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APRIL 2001
NUMBER 112

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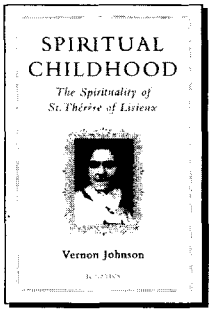

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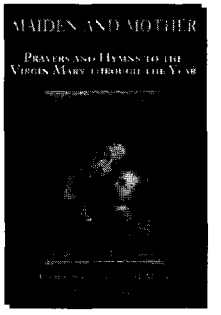

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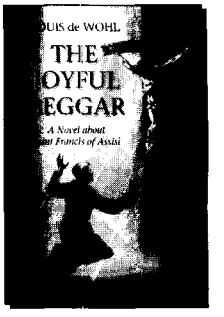

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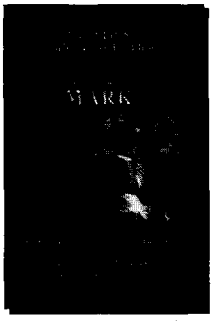

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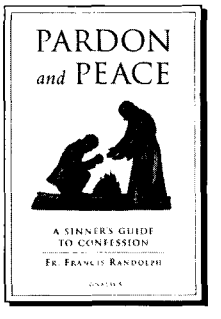

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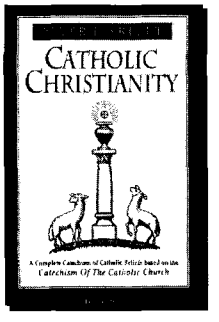

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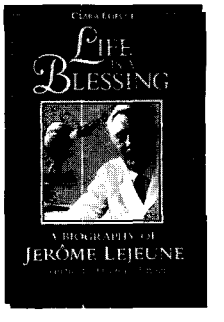

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Richard John Neuhaus

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How Successful is Sociobiology?

Tom Bethell ("Against Sociobiology," January) is to be commended for pointing out the fatal flaw of sociobiology and of its latter-day offspring "evolutionary psychology": the lack of falsifiability of many of the hypotheses proposed in these fields. Lack of falsifiability was also, to some degree, a problem even in the relatively noncontroversial field of behavioral ecology, from which sociobiology emerged.

Bethell is quite wrong, however, in asserting that "in the biology departments and in the academy more generally, [E. O.] Wilson and his supporters resoundingly won the debate." I cannot speak for the "academy more generally," but in biology departments sociobiology went down to utter defeat. I am aware of no biology department in this country at which a sociobiologist could be hired today, and very few would even have any interest in hiring a behavioral ecologist. Biologists do not take any more kindly to non-falsifiable hypotheses than Mr. Bethell does. Moreover, the twenty-five years since Wilson's *Sociobiology* have seen an extraordinary flowering of molecular biology. Today virtually all biologists (even evolutionary biologists) study real genes at the DNA level. There is no interest any more in the make-believe "genes" for altruism, rape, or whatever beloved of Wilson, Richard Dawkins, and their ilk.

Austin L. Hughes
Professor of Biological Sciences
University of South Carolina
Columbia, South Carolina

Tom Bethell replies:
Upon reflection I shall withdraw the adverb "resoundingly" if Professor Hughes withdraws his claim that sociobiology "went down to utter defeat." A letter published in *Science* (October 11, 1996), headed "Sociobiology's Successes" and signed by twelve scientists from diverse fields, biology among them, makes the point. (The lead author was Sarah Blaffer Hrdy of U.C. Davis' Department of Anthropology.) After sociobiology was attacked as "sexist," "racist," and "determinist," the letter writers point out, "many researchers did indeed shrink from the label 'sociobiology,' but the sociobiological research programs (by whatever name) have prospered." I believe that to be correct. But I concede that a victory involving the subterfuge of a name-change is not resounding.

Sociobiology has in particular advanced under the flag of evolutionary psychology. In the introduction to the twenty-fifth anniversary edition of his textbook *Sociobiology: The New Synthesis*, written in December 1999, Edward O. Wilson writes that sociobiology "is a flourishing discipline in zoology," but, where it pertains to humans, it is "nowadays also called evolutionary psychology."

To name just four academics sympathetic to sociobiology at work in the biology departments of American universities: Timothy Goldsmith of Yale teaches a course called "Biological Roots of Human Nature"; William Zimmerman of Amherst teaches the "Evolutionary Biology of Human Social Behavior"; David Sloan Wilson (Department of Biology, SUNY-Binghamton) researches the evolutionary basis of human behavior; and Randy Thornhill at the University of New Mexico coauthored the infamous book on the evolution of rape.

I strongly disagree with Prof. Hughes' claim that because biologists "study real genes at the DNA level," there is no more interest in "make-believe 'genes.'" In modern discourse, unfortunately, the word "gene" is used in two different ways. Certain

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DNA segments "code for" or build proteins, and those segments are indeed called genes. But the "Mendelian" genes beloved of evolutionary biologists are hypothetical constructs, thought of as determining some outward and visible feature of the organism. These genes are certainly not observed in extinct organisms. Even in living ones, genes for the most elementary features of the body, such as height or skin color, have not yet been established.

When Richard C. Lewontin and Stephen J. Gould in the 1970s derided the "Just-So" stories of the adaptationists, they were criticizing the ease with which unobserved genes for any trait whatever—whether physical or behavioral—could be posited, without any need to observe them. The claim that genes for leopard's spots helped conceal the leopard and so contributed to its survival is vacuous unless the genes are detected, which never happens. The claim that those genes that "are selected for" displace those that are not is a tautology masquerading as science. It cannot be falsified in this universe or in any other. Unobserved genes continue to be the stock-in-trade of the evolutionary biologist. The critics of sociobiology used arguments that were often political, but sometimes perilous to the evolution not just of behavior, but of bodies as well.

How We Could Have Won in Vietnam

Although I may have missed some nuance in Adam Garfinkle's "That Lousy War: Explaining Vietnam" (December 2000), it surprised me that his assumption (and that of the authors of the books he surveyed) seems to be that the war was unwinnable.

If a nation plans its military strategy to obtain a draw one should not be surprised that victory remains unachieved. But what if we had chosen to fight the war in North Vietnam—i.e., to invade—rather than stand on the strategic defensive in the South? After all, even World War II might have ended in a loss if we had decided never to invade the Axis homelands and even to avoid destroying their economic bases, as we did with Vietnam.

I'm sure that some would dismiss this out of hand since it might have led to a general war. Opinions on this may differ; mine is that a vigorous offensive military strategy, combined with a domestic economic policy of "guns" rather than Johnson's "guns and butter," would have both bluffed the USSR and China and been far better accepted by the American public than the no-win Johnson/McNamara plan.

Richard Donley
New Lyme, Ohio

Adam Garfinkle replies:
With all due respect, Mr. Donley has missed more than a nuance. My essay describes Michael Lind's view in these words: "Lind . . . argues that it [fighting the war] was the right thing to have done, and that it might have turned out pretty well had Robert McNamara, William Westmoreland, and a few choice others not screwed things up." I say a few paragraphs later that I share this view that the war was, in fact, winnable. Toward the end of the essay, I criticize the military and Mr. McNamara for abetting an abysmally misbegotten military strategy, the obvious implication being that a sounder strategy could have produced a different outcome.

Elfland and Christianity

In his review of G. Ronald Murphy's *The Owl, the Raven, and the Dove* (January), Philip Zaleski was not quite right in saying that the religious meaning of the Brothers Grimm has been neglected. G. K. Chesterton made fairy tales a cornerstone of his classic Christian apologetic, *Orthodoxy*. In a chapter called "The Ethics of Elfland," he explained the spiritual wisdom he found in Jack and the Beanstalk, Cinderella, Beauty and the Beast, and Sleeping Beauty. Later, he connected these insights to the Christian faith. Chesterton's understanding of pagan mythology, given in *Everlasting Man*, a book that influenced C. S. Lewis in becoming a Christian, seemed to be built upon that primary insight. And then Lewis came full circle with his own series of popular redemptive fairy tales, the Chronicles of Narnia.

Together, the two men reminded Western Christianity of the truth (common to such central Christian thinkers as Paul, Augustine, Clement, and Pascal) that, as Lewis put it, "The question was no longer to find the one simply true religion among a thousand religions simply false. It was rather, 'Where . . . have the hints of all Paganism been fulfilled?'" So the seed the Brothers Grimm planted perhaps grew into a pretty big beanstalk itself.

One of my own favorites is Jorinda and Joringa. (It was when I was reading this story to my children that I started to think more deeply about

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the spirituality of the Brothers Grimm.) Jorinda, a beautiful maiden, is transformed into a nightingale and taken captive in a castle by a witch. Her lover (a shepherd) is powerless to approach the castle. Then one day he finds a red flower with a dew drop in the center of it. Touching the witch with the flower, he deprives her of her sorcery, and sets all the enchanted maidens free from their cages. The tale strikes me as a beautiful picture of Christ and those he frees from their sins. I wonder what color were the flowers Wilhelm kept in his Greek New Testament?

David Marshall
Siebold University of Nagasaki
Nagasaki, Japan

Philip Zaleski replies:

Mr. Marshall is right, of course. Chesterton and Lewis make much of fairy tales; so too, in the same literary lineage, do George MacDonald and J. R. R. Tolkien. What I meant to say (famous words!) was that the religious meaning of fairy tales has been largely ignored by scholars—a notable exception being Tolkien's essay "On Fairy-Stories," in which he suggests that these tales provide "a far-off gleam or echo of *evangelium* in the real world," a foretaste of the joy of Christ. Father Murphy's *The Owl, the Raven, and the Dove* does much to rectify this scholarly oversight.

As for the color of those pressed flowers, I went directly to the source and asked Fr. Murphy. He reports that the petals were "about the size and shape of a daisy's," and that although they had faded badly, his impression was that, yes, they had "once been red."

Catechesis and Pre-Evangelization

Although mocking, if that is not too strong a word, Father William O'Malley for "making up his own creed" (While We're At It, January), Richard John Neuhaus fails to address adequately the factual observations and the arguments of Fr. O'Malley's article, "Plow Before You Plant," which appeared in the September 15, 2000 issue of *America*.

For fifteen years or more Fr. O'Malley has been writing, not about college professors or committed adult Christians (or about those, like myself, who are faithful readers of FIRST THINGS), but about teenagers—American high school students, primarily those from middle-class and affluent families, who are the objects of Catholic "catechesis." Fr. O'Malley writes about his students in Catholic high schools; my twenty years of teaching in parish "Confirmation programs" suggests his observations apply even more accurately to those public high school students whose parents order them to the parish center for one hour of class a week. (I might mention, by way of background, that in the affluent suburban parish in which I teach, probably a third of my students have parents divorced or living apart, and more than half don't attend Mass regularly, because their parents don't.)

Fr. O'Malley has observed that these young people are "baptized but not converted." They understand Christianity as "being moral," and they understand "being moral" as "being nice to people." In my own experience, students asked to make a list of moral virtues never list "courage," to give one example, and are extremely puzzled and surprised when asked why courage might be a moral virtue. What "the Church says" and what "Scripture says" are matters of extreme indifference—the students silently but stoutly resist the premise that these are significant sources of authority. As Fr. O'Malley says, the vast majority don't presently care or know much about God (much less about Jesus Christ). They don't understand the very idea of Christian altruism—making one's life a gift—and how it might apply to their own lives. As Fr. O'Malley says, they aren't bad kids, they can be delightful in many ways, but they aren't, really, Christians. What they need is not catechesis, nor even evangelization, but pre-evangelization: "Plow before you plant."

And the catechetical establishment most often does, as Fr. O'Malley argues, ignore these realities, prescribing that we should "teach" these teenagers "as if their families still routinely attend Sunday benediction." The teachers of teachers want "indoctrination rather than conversion," and "thorough coverage rather than heart-to-heart engagement." In my experience, the "doctrinal" subject matter prescribed is likely to be, not *filioque* (which I think Fr. Neuhaus might recognize as Fr. O'Malley's exercise in hyperbole), but a politically correct version of "social justice."

If this is in fact the context, then pre-evangelization by teaching "natural theology" first makes a lot of sense—and the proposition needs, at least, to be publicized and debated. Fr. O'Malley's emphasis on epistemology at the beginning makes a lot of sense too—how do you "know," why do you believe? As for Fr. O'Malley's simplified "creed," if, by Confirmation time, just one of my little flock understood the meaning of those four theological propositions (never mind believing them with "a reasonable degree of certainty"), I would join Fr. O'Malley in levitating.

Michael P. Daly
Manlius, New York

Taking Offense

Largely ignoring the substance of my article, "Are Unions Obsolete?" (*Commonweal*, November 3, 2000), my friend Richard John Neuhaus in his rejoinder (While We're At It, January) said that it was "false and offensive" on my part to say that he had never publicly spoken this way about Cardinal O'Connor's stand on labor issues while the Cardinal was alive.

He would have every right to be offended if that was what I had actu-

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ally said. But it is emphatically not what I said. I knew perfectly well that Father Neuhaus had more than once said his piece in public about labor issues while the Cardinal was alive. I also assumed, of course, that the Cardinal, who had the reputation of being a serious reader, was fully aware of what Fr. Neuhaus had written about labor issues. But that's not what I was talking about in my article. Referring to Fr. Neuhaus' *National Catholic Register* interview in which he said that the Cardinal's support of labor unions was "a weakness rather than a strength," I said that he "never spoke that way about the Cardinal's stand on labor issues while the Cardinal was alive." There is nothing in Fr. Neuhaus' response to dispute or even question the accuracy of this statement.

I might add that I refrained from saying in my article that Fr. Neuhaus' silence in public about the Cardinal's stand on labor issues until the Cardinal had passed away was rather strange in view of the fact that, to his credit, Fr. Neuhaus has frequently and delightedly crossed swords in public with other living and high-ranking ecclesiastics. (Think Rembert Weakland as a prime example in this regard.) I have no way of knowing why Fr. Neuhaus made an exception in the case of the Cardinal and why he gave him a pass after the Cardinal had passed from the scene.

At the end of his response Fr. Neuhaus expresses the hope that I will emulate Cardinal O'Connor's admirable policy of accommodating respectful disagreement. Not to worry. As one who has been around the polemical track for more than fifty years, I don't take disagreements personally even when I feel that I have been misquoted inadvertently or otherwise. In short, even though I honestly think that Fr. Neuhaus misconstrued my article, I will consider him a friend, and, needless to add, I hope that this feeling is mutual.

Monsignor George G. Higgins
Washington, D.C.

RJN replies:
Yes, the feeling is mutual, but it should not be hard to understand why I made an exception for Cardinal O'Connor. He was my bishop and I would not, except under the most pressing necessity, criticize my bishop in public. He knew what I thought. Asked in an interview after his death about the strengths and weaknesses of his leadership, I responded candidly and, I hope, charitably. Asked while he was my bishop, I allowed for no weaknesses. This is called loyalty.

Edward T. Oakes and His Critics: An Exchange

I am glad that First Things asked Edward T. Oakes to review my book *The Wedge of Truth* (January) because I have admired his essays. Moreover, there are a number of compliments in the review for which I thank him. Hence I write not to complain, but rather to clarify. I fear that the review may give the impression that the differences between us are greater than they are.

First, I agree that merely recognizing the reality of a Designer in nature does not tell us whether the Designer is benevolent or cares about what we do. That is why special revelation is also indispensable, beginning with the opening verses of the Gospel of John. This important text states specifically that creation is by the Word, the same Word that became flesh and dwelt among us. I do not know why Father Oakes thought it appropriate to ridicule my citation of this Gospel. Although there is no reference to a "Holy Arranger" or "Celestial Cell Constructor," John 1:3 does say that "all things were made through him, and without him was not anything made that was made."

The critique of Darwinism is important not because Intelligent Design theory tells us about the character of God—it doesn't. The problem is that so many educated people take the supposed success of Darwinian science as a proof of the materialist metaphysics upon which the theory is based. Given this widespread misunderstanding, secular intellectuals generally assume that texts such as John 1:1-14 express a prescientific mythology that modern people cannot take seriously. This is also why it is not sufficient merely to insist that there is a distinction between science and materialism, unless we can explain where the line is to be drawn. Otherwise, materialists like Stephen Jay Gould will do the line-drawing for us. They will put all objective knowledge in the realm of science, and leave to religion only subjective belief.

That the materialists have been making the rules also explains why the secular journalists interpreted the Pope's statement on evolution as they did. I have the greatest respect for John Paul II, and have consistently defended his statement by explaining the importance of the crucial qualifying sentence that the reporters fail to quote. ("Theories of evolution [that], in accordance with the philosophies inspiring them, consider the mind as emerging from the forces of living matter, or as a mere epiphenomenon of this matter, are incompatible with the truth about

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man.") However, I also have to be fair to the reporters who misconstrued it. A philosopher with a fine Catholic education would understand the Pope's meaning, but a secular reporter, educated to see religion as always grudgingly retreating before the advance of science, could only be expected to read the statement as another reluctant concession.

I particularly appreciate Fr. Oakes' opening reference to John Henry Newman's description of the "favorite rhetorical trick" of secular intellectuals, especially scientific materialists. "They persuade the world of what is false, by urging upon it what is true." Indeed they do. But why has the trick worked so well for so long, and why have Christian intellectuals not been more effective in exposing the rhetorical sleight-of-hand? They must be misunderstanding something, and that something is the subject of *The Wedge of Truth.*

Phillip E. Johnson
Boalt Hall, School of Law
University of California at Berkeley

In his review of Phillip E. Johnson's excellent *The Wedge of Truth* Edward T. Oakes is correct that the argument to design does not get one to a supernatural designer, let alone to the merciful God that Christians confess. That's appropriate, since our faith is based on the living works and teachings of Jesus—not on some laboratory experiment. Still, the design inference seems to have a lot more punch than Father Oakes allows, at least as judged by the reaction of many who oppose it. It has been my experience (and I have some) that Fr. Oakes' materialist rogues' gallery, and their many colleagues, bitterly attack even the most tentative suggestion of design in biology. Hume's assurance that the design argument does not reach all the way to the God of Scripture softens them not a bit.

On the other hand, the theistic claim that natural selection was God's way of creating life (sort of) doesn't vex evangelical materialists much at all. Why not? Perhaps they are being philosophically unsophisticated, and will pay the price in lost prestige when the writings of Cardinal Newman become more widely known. Or maybe they can recognize the kinds of arguments that do and do not reach people (especially academic types) in our science-soaked culture.

The inference to biological design is a modest argument that doesn't penetrate to the mysteries of our faith. Yet it has its uses. In some cases, for some people, it can suggest that the world may be more complex than they had been led to believe. If the data support the design inference, as I am convinced they do, Christians would be neglectful not to point it out.

Michael J. Behe
Department of Biology
Lehigh University
Bethlehem, Pennsylvania

I was disappointed to read Edward T. Oakes' review of Phillip E. Johnson's *The Wedge of Truth.* He faults Johnson's logic in making a transition from the argument from design to a chapter on the Logos of John 1:1. Father Oakes describes this as "a strange segue from information theory to theology." In fact, it is not at all strange, given the analogy that Fr. Oakes himself uses in his review. Suppose, he says, that Robinson Crusoe came across a circle of stones around some ashes. Crusoe could probably infer the existence of an intelligence that arranged the stones and lit the fire, but he would not know whether the agent's intentions were benign or hostile. Fr. Oakes uses the analogy to show the limitations of the argument from design as a theological starting point, but he then mistakenly assumes that it is for that reason that Johnson appeals to the Logos of John 1:1 as, so to speak, a deus ex machina. Instead, to pursue the Crusoe analogy, suppose it was not at all obvious (or at least was still hotly contested) that the stones had been arranged by an intelligent agent. Would it not be admissible evidence to point to an Army manual for shipwrecked sailors that recommended building a circle of stones and lighting a fire in it? As scientists dispute the question of whether the record of life on this planet can be plausibly explained apart from some kind of intelligent source for its high information content, the relationship between information theory and theology is hardly inapposite.

Following Newman, whom he quotes ("I believe in design because I believe in God, not in a God because I see design"), Fr. Oakes is free to remain skeptical of the value of the argument from design as a strategic matter. But it is something yet again to suggest that there is a logical impediment to making it.

David K. DeWolf
Professor of Law
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I was disappointed by Edward T. Oakes' review of *The Wedge of Truth* by Phillip E. Johnson. Father Oakes seems to have committed a logical error, occasioned by his use of Cardinal Newman's aphorism, "I believe in design because I believe in God, not in a God because I see design." Johnson clearly does not believe in design simply because he believes in God—he thinks, and I agree, that the design of the universe and of many living things can be verified scientifically, without dependence on any special theological presuppositions. Ergo, Fr. Oakes infers, Johnson must believe in God *simply* because he sees design, and for no other reason.

For those of us who are familiar with Johnson's work, this conclusion is blatantly false. Fr. Oakes has committed the fallacy of the false dilemma, erroneously assuming that the two parts of Newman's aphorism exhaust all possibilities. It is a serious error (and an uncharitable one) to assume that those of us who belong

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to the Intelligent Design movement think that our belief in God *depends* on evidence for design. Many of us, Johnson included, think no such thing. As Johnson has clearly stated, biology informed by the recognition of intelligent design is "theism-friendly" in a way that doctrinaire naturalism is not. The existence of verifiable design is certainly compatible with theism (and with Christianity in particular), and it certainly gives some support to theism. However, as Newman himself recognized and articulated so brilliantly in *The Grammar of Assent*, the reasonableness of theism in general and of Christianity in particular is the result of the convergence of a large number of evidences and reasons, of which design is only a part.

In any event, Fr. Oakes' complaint seems to be, not with Phillip Johnson, but with St. Thomas, who committed the blunder (by Fr. Oakes' lights) of including the argument from design as one of his five ways by which the existence of God may be demonstrated.

Robert C. Koons
Department of Philosophy
The University of Texas at Austin

Though a warm admirer of both, I wish Edward T. Oakes had not quarreled with Phillip E. Johnson. His principal charge seems to be that Intelligent Design, being but half a gospel, is a false gospel. Yes, of course Cardinal Newman was right that design teaches us only the power, skill, and goodness of the Creator, not His sanctity, mercy, or future judgment. But why flog Johnson with such quotes when he agrees? He never claims that general revelation can prove the additional and indispensable truths of special revelation; he only claims that rejection of the former prevents reception of the latter. If you say "There is no God," you certainly won't ask "Is He a God of mercy?" If you say "There is no Meaning," you certainly won't ask "Has the Meaning become flesh and dwelt among us?" That is the situation in the academy.

J. Budziszewski
Departments of Government
and Philosophy
The University of Texas at Austin

The review of Phillip E. Johnson's book *The Wedge of Truth* by Edward T. Oakes shows that the reviewer does not understand the concept of irreducible complexity without which the Intelligent Design movement cannot be understood.

Father Oakes does not see the issue involved in the distinction between micro- and macroevolution. The issue is this: the incapacity of random mutation and natural selection to account for the creation of new complex genetic information.

Fr. Oakes has failed to critique the book for what it is and instead condemns it for not being a systematic theology or a solution to the problem of evil. His anxiety to defend John Paul II's statement on evolution has resulted in a prejudiced and uncomprehending review quite unworthy of First Things.

Keith Masson
Portland, Oregon

After reading Edward T. Oakes' patronizing review of Phillip E. Johnson's *The Wedge of Truth*, I read the book and reread the review. It seems to me that it is Father Oakes, not Johnson, who is grinding an axe.

Fr. Oakes devotes more than half his review to deploring Johnson's detection of intelligent design in biological species. But the quotation from Newman that closes Fr. Oakes' review shows that he has distorted Johnson's (and even Newman's) point. Newman wrote: "I believe in design because I believe in God, not in a God because I see design." So does Johnson. The quote supports Johnson, not Fr. Oakes. Newman indeed saw design in nature, unlike Darwinists (and Fr. Oakes). Nowhere does Johnson hint that design in nature grounds belief in God. He never appeals, as Fr. Oakes implies by comparing him to William Paley, to apparent design in biology as an "argument from design" to prove the existence of God. Rather, because he already believes in God he is receptive to the possibility of design in nature. His point, which Fr. Oakes distorts, is that there is no scientific excuse summarily to dismiss as illusory the design that seems so apparent. If Johnson chooses to speculate, on what he explicitly declares to be philosophical grounds, that what looks like the design he finds there is attributable to God, what is wrong with that, scientifically or otherwise?

Fr. Oakes also claims that Johnson has shifted his ground over the course of his several books. As proof, he points to Johnson's statement that "if nature is all there is, and matter had to do its own creating, then there is every reason to believe that the Darwinian model is the best we will ever have," and he calls the statement a "concession." How so? Those initial qualifiers seem pretty significant and it has always been Johnson's contention that they are false and have nothing to do with real science.

Is it Fr. Oakes' view that the argument about design in biology is neither final nor conclusive? Who says it is? Certainly not Johnson. But it does raise and focus the proper questions. The most obvious explanation for what happened in the biological world is intelligence. The materialist must prove, rather than assume, that intelligence had nothing to do with it.

Robert Ghelardi
Oak Park, Illinois

Edward T. Oakes misunderstands the structure of Phillip E. Johnson's argument in *The Wedge of Truth*, and his tone of mockery is unseemly. Father Oakes is correct in characterizing intelligent design as an update of the design argument: it uncovers evidence of a Mind in the structure of living things (especially the DNA code) and the physical universe (anthropic "coincidences"). This is all in

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the spirit of Romans 1, which says that certain of God's attributes are "clearly seen in what was made."

But no one—not Paul in Romans nor Aquinas in his Five Ways nor Intelligent Design theorists—supposes that arguments from nature lead directly to the God of Scripture. They merely place a lower limit, so to speak, on what kind of Creator may reasonably be proposed. That's why Aquinas' arguments all end with the rather odd phrase, "to which everyone gives the name 'God,'" or "and this we call 'God.'" He could have concluded, "and therefore the God of Christianity exists," but he does not. Aquinas' point is that the human mind is ordered to its Creator; but he does not assume a continuity from the God of philosophy to the God of revelation. Likewise, Intelligent Design theorists meticulously note the limits on what may be concluded from nature: the structure of living things implies an intelligent agent, but it does not give grounds to identify who that agent is.

Having made the case for a generic intelligent agent, however, one may then switch categories from science to apologetics, and propose the biblical God as the best candidate, as Paul did in Acts 17 when he proposed to tell the Athenians the identity of the "unknown god." Many have found such apologetics persuasive. In *How We Believe*, Michael Shermer, president of the Skeptics Society, describes a poll asking Americans why they believe in God. The number one reason cited was some variation on the design argument.

Phillip Johnson stands squarely within a long Christian tradition in identifying the Logos that orders the universe with the Logos of the gospel.

Nancy R. Pearcey
The Discovery Institute
Center for the Renewal of Science and Culture
Seattle, Washington

Finally, at long last, some sense of sanity in the intelligent design debate. Edward T. Oakes' review of Phillip E. Johnson's book is very welcome, both because of its scientific lucidity, and its grounding in Catholic sensibilities.

Father Oakes rightly summarizes the objections to evolution as being based not on science but on implicit philosophical assumptions attributed to evolution by its critics. This often leads them, as Johnson did, to lecture the Pope on what's wrong with Catholic theology.

The evidence for evolution is overwhelming. The acknowledgment of the scientific basis for evolution by John Paul II is gratifying. And the recognition that criticism of evolution is often based on philosophy, not science, is very welcome.

Thanks to Fr. Oakes, and to the editors of FIRST THINGS, for clearing some of the fog.

Bob Puharic
Whitehall, Pennsylvania

Edward T. Oakes replies:

I am sorry if Phillip E. Johnson feels I ridiculed his citation of the Prologue to St. John's Gospel, which was not my intention. Rather, I criticized his use of the Prologue to effect a transition from his earlier disquisitions on Intelligent Design in chapters 1-6 of *The Wedge of Truth* to his certain identification in chapter 7 of this putative Designer as the Logos of God, an inference supposedly based on special revelation.

This move I hold to be illegitimate. For such an identification would force us to claim that the Logos of God *directly* attached the flagellum to the first bacterium, that the Second Person of the Trinity *explicitly* toggled a complex molecule to bring about the first act of self-replication, and that the Deity *immediately* altered the architecture of one species, say a tiger, to lead to another conspicuously different species. For each and every one of these hypotheses (when they are not downright preposterous) the scientific evidence is exactly zero, the logic fallacious, and the theological implications grotesque.

To speak for a moment of the general argument of the Intelligent Design movement before getting specifically to Professor Johnson's latest book, I would like to make the following point clear. I agree with the advocates of Intelligent Design at least to this extent: that Darwinism cannot explain chemical complexity. But this point should be noncontroversial. Darwinism cannot explain chemical complexity for the very good reason that natural selection requires a harsh environment *brought about by overpopulation*. Obviously (as Charles Darwin himself conceded) such a situation cannot obtain when we are speaking of the *first* complex molecule, the *first* moment of self-replication, the *first* cellular life form, etc.

Moreover, since, in my view, the value of Darwin's theory was primarily heuristic and not probative (because he lacked the knowledge of genetics necessary to give explanatory power and certain evidence to the theory), there can be no question that biochemistry now represents the real frontier of evolutionary theory. I once took a private vow to the Muse of Academia never to use the term "paradigm shift," but I grant myself a dispensation here: I do not dispute that classical Darwinism is under great strain, and in fact seems to be mutating to a new paradigm (see *Darwinism Evolving* by David Depew and Bruce Weber for a useful account of this mutation in process).

Now if I were as much under the grip of the "fallacy of the false dilemma" as Robert C. Koons seems to think, I would indeed harp on these strains as a sure sign that all those Christians were right all along who have been battering away at Darwinism for the past one hundred and forty-odd years. But in fact the ones who are trapped inside a false dilemma are theists uncomfortable with Darwin. More to the point, just as William Paley, in his perverse way, acted as a kind of accidental midwife to Darwin's theory, so too I think the speculations of Michael J. Behe and

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William A. Dembski (and others, many of whom belong to the Discovery Institute) will lead not to a more robust theism but to a new impetus to find adequate explanatory laws for chemical complexity.

Now it well might happen that, for reasons of inherent limitations (such as the fact that the earliest life forms leave no fossil record behind, or the impossibility of replicating in a laboratory the amount of time necessary to see chemicals work their way toward complexity), these laws will remain forever beyond human ken. But I *suspect* that if those laws do emerge it will be via some theory roughly along the lines of the "complexity theory" of Stuart Kauffman and other members of his Santa Fe Institute. And I *know* that it will not be via Intelligent Design theory, since the First Cause of that theory must remain by definition beyond human specification, as even advocates of Intelligent Design admit when they concede that we really have no idea who this remarkably clever Designer might be without dragging in special revelation at the last minute as their *Trinitas ex machina.*

True, Complexity Theory is not without its problems. Critics such as the biochemist Robert Shapiro accuse the advocates of Complexity Theory of spinning an elaborate tautological amplification of the obvious: things are complex because the universe is complex. Perhaps so. At all events, I would at least say that, pending the outcome of later research, one should adopt a more becomingly demure attitude toward complexity. In other words, we should not claim that cells, molecules, bacteria, etc. are so much *irreducibly* complex as, so to say, *awesomely* complex. Certainly, the Intelligent Design advocates have a point: if natural laws can be shown to be *inherently* unable to explain complexity, then one may legitimately claim for the entity in question an irreducible complexity.

Unfortunately, that was Paley's logic too; and life-forms that he, with an annoying self-assurance, so insouciantly assumed were irreducibly complex soon proved to be eminently explainable in other terms.

One reason for the vigor of my review is rooted in my conviction that Paley did far more damage to nineteenth-century Christianity than Friedrich Nietzsche ever managed to do to twentieth-century religion. Design is the founding axiom of Deist religion; and as Darwin's own life attests, nothing more rapidly congeals into atheism (or agnosticism) than Deism (see James Turner's *Without God, Without Creed* for an account of this declension).

This point leads me to the objection raised by Prof. Koons and Nancy R. Pearcey. They claim that my criticism of Phillip Johnson entails an identical critique of St. Thomas' Fifth Way of proving the existence of God. Not so. True, Aquinas' Fifth Way is often called the Teleological Argument, and since designing is one form of teleological activity, Paley and Thomas are often—but erroneously—conflated here. Their differences, however, are crucial, for the teleology referred to in the Fifth Way refers to *all* aiming activity, from an archer hitting a bull's-eye to a river flowing downstream or a rock rolling downhill.

It might come as some surprise to readers of this reply to learn that Thomas' argument in the Fifth Way amounts to no more than five or six sentences in Latin (depending on the punctuation decisions of various editors). So short is the argument that it bears quoting in full:

> The fifth way is based on the guidedness of nature. We see that things lacking awareness, *such as natural bodies*, act for an end, and this is evident from their acting always, or nearly always, in the same way, so as to obtain the best result [which was exactly Darwin's point, by the way]. Whence it is evident that they truly tend to goals and do not merely hit them by accident. But nothing lacking awareness can tend to a goal except it be directed by someone with awareness and understanding; the arrow, for example, requires an archer. *Everything* in nature, therefore, is directed to its goal by someone with understanding, and this we call God. [emphasis added]

I take it as granted on all sides that while the arrow is a man-made object and thus irreducibly complex, Thomas is focusing not on its manufacture but on its motion as an otherwise inert object. Thus Thomas cannot even remotely have in mind the staggering intricacies of our modern-day neo-teleologists (and as if he could deal with such complex issues in a mere six sentences). For this reason I consider it rather a misnomer to call Thomas' Fifth Way the "teleological" argument, if only because so many people, including Prof. Koons and Ms. Pearcey, conflate teleology with design, no doubt under Paley's malign influence. Perhaps the argument should instead be called the Argument from Order, as many Thomist commentators call it. For really, what the argument is referring to is the orderedness of nature as a whole, and not the itty-bitty particularities of cellular biology.

Another advantage of this terminological clarity emerges in the analysis of the famous Roman Catholic apologist Monsignor Ronald Knox, who pointed out in his sermon "The Cross-Word of Creation" (published in his 1942 collection *In Soft Garments*) that order must not be confused with design. In fact, all complexity, whether designed or not, whether irreducible or not, must first emerge out of a prior environment of order. (How that emergence might occur naturally is the burden of Complexity Theorists to explain. But the Intelligent Designers cannot join in that search because they have

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already shut off the debate with their unverifiable, or at least yet-to-be-verified, assertions of irreducible complexity.) And that prior orderedness is the precise focus of Thomas' Fifth Way. Which is why Msgr. Knox can say: "I don't believe that St. Thomas meant to use the argument from design when he gave his fifth proof. I don't think what impressed St. Thomas was the fact that everything conspires together for a beneficent purpose; what impressed him was the fact that things conspire together *at all*."

Albert Einstein famously said that "the most incomprehensible thing about the universe is that it is so comprehensible." Thomas' Fifth Way addresses exactly that sense of wonder. The word *kosmos* in ancient Greek actually means "order" and not "universe," and in their mythology the Greeks claimed that the cosmos emerged out of Chaos, which is simply a way of terminating the wonderment in a non-explanation, indeed in a nonsensical non-explanation. For Thomas' Fifth Way insists that it is metaphysically impossible a priori for order to emerge out of chaos, which is why his argument is sometimes also called the "cosmological" argument.

But that he is not speaking of design is clear from his use of the term "guidedness" [*ex gubernatione*] to describe the gist of his argument. Just as the governor of a state is responsible for the smooth running of a state's government without having to become personally involved in every decision—without, in other words, feeling that his office obligates him to serve as the traffic cop at every busy corner—so too the Cosmological Argument contains no implication whatever that God has become the traffic cop of cellular evolution.

But for me the greatest difference between Thomas Aquinas' Cosmological Argument and any and all arguments from design comes from what *all* the advocates of design admit: that the candidate for the Intelligent Designer could be, at least theoretically, just about any supra-human intelligent manipulator of complex artifacts, from outer-space aliens to Al Gore's Mama Gaia.

Many readers have informed me, and in rather schoolmarmish tones to boot, that I have missed the point by criticizing Phillip Johnson for the vagueness of the identity of the Designer, since it is the job of special revelation to identify the Unknown Designer. Not for Thomas Aquinas. As Étienne Gilson says in *The Christian Philosophy of St. Thomas Aquinas*: "We have, therefore, in the proof of finality, as in all the preceding proofs, a sensible datum which looks for its sufficient reasons in God *and finds it in Him alone*" (emphasis added). If we are clueless as to the identity of the Designer until we get to special revelation, then we do not have a Thomistic argument. Moreover, as Gilson further points out, all of Aquinas' Five Ways require that one respect the hierarchy of causes and refuse to identify, at any point along the line, the First Cause with one of the secondary causes. This perhaps is the most glaring flaw in all arguments from design trying to lead to the Creator God: they take the First Cause, yank it out of place, and insert it into the stream of things. As Gilson rightly says, "The whole series of intermediate causes [is] one sole second cause, of which God is the first cause."

David K. DeWolf accuses me of misusing the Robinson Crusoe analogy, but I think he has misunderstood me. First of all, I only used the analogy to describe the inadequacies of Intelligent Design, even if true. But as should be obvious from my response here, I hold for other reasons that the theory cannot be true. But I could also use the Robinson Crusoe story to establish the falsity, and not just the inadequacies, of Intelligent Design. Odd as it may sound, the arrangement of campfire stones is *more* irreducibly complex than a cell. The circle of stones is genuinely irreducibly complex because the arrangement automatically testifies not just to complexity but also to *manipulation for an immediate purpose*, which to my mind is lacking in the cell, staggeringly complex though of course it is. Try as I might, I can see no signs of *manipulation* in the cell. Although I gave his book *How the Mind Works* a severe drubbing in these pages, I think Steven Pinker captured the essence of this issue quite well when he made this observation:

> Natural selection is a falsifiable hypothesis about the origin of design and imposes onerous empirical requirements. Remember how it works: from competition among replicators. Anything that showed signs of design but did not come from a long line of replicators could not be explained by—in fact, would refute—the theory of natural selection: natural species that lacked reproductive organs, insects growing like crystals out of rocks, television sets on the moon, eyes spewing out of vents on the ocean floor, caves shaped like hotel rooms down to the details of hangers and ice buckets. Moreover, the beneficial functions all have to be in the ultimate service of reproduction. An organ can be designed for seeing or eating or mating or nursing, but it had better not be designed for the beauty of nature, the harmony of the ecosystem, or instant self-destruction. Finally, the beneficiary of the function has to be the replicator. Darwin pointed out that if horses had evolved saddles, his theory would immediately be falsified.

To my mind, the most reliable indicator of irreducibility in a complex arrangement is our instant recognition of its presence. In other words, irreducibility tends to be noncontrover-

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sial. If Robinson Crusoe were to be shipwrecked with a companion, you can be sure that they would not break into a debate about Intelligent Design upon discovering a circle of stones. But conversely, Michael Behe cannot expect to show up at next year's convention of the American Chemical Society and elicit automatic and immediate agreement that the cell unambiguously displays signs of manipulation for a purpose. Of course there are ambiguous cases that require further investigation, as in the way crystals look chiseled and polished, but prove not to have been once their chemical structure is explained.

For that reason—much as this assertion will stick in the craw of Phillip Johnson—Richard Dawkins is right when he says that "biology is the study of complicated things that give the appearance of having been designed." The truth of this principle, however, in no way justifies the metaphysical implications that this doctrinaire atheist tries to squeeze out of it. Tellingly, Dawkins makes the same mistake as his opponents in assuming that when design loses its explanatory purchase on evolutionary biology, then all arguments from *order* have thereby also been automatically dispatched. He revealed as much when he once admitted that, had he lived in the eighteenth century, he would have found William Paley more convincing than David Hume. Imagine the shock when he realized how much Darwin had demolished Paley's arguments. No wonder his atheism seems so rancid.

Several readers also accuse me of denying the doctrine of general revelation contained in the first chapter of Paul's letter to the Romans. Again, not so. "General," after all, means "general." In other words, the whole point of Paul's first chapter must be the sheer *obviousness* of God's existence. All of my critics seem to approve of Cardinal Newman's apologetics, and seek merely to claim that I have misunderstood him. But one of Newman's points in *The Idea of a University* is that, among other things, the Argument from Design is too hard to follow, and thus fails to qualify as *general* revelation. Once more, this becomes another opportunity to salute Newman's prescience. For he spoke long before William Dembski began stringing out his texts with all those ones and zeros, and long before Michael Behe began instructing the lay public in the intricacies of bacterial flagella. If he were alive today, one can only imagine what Newman might say upon being told that his ability to stem the tide of atheism would depend on his mastery of information theory.

Robert Ghelardi accuses me of reading more into Prof. Johnson's "concessions" than is warranted. Admittedly, Johnson is a lawyer who has furnished us in *The Wedge of Truth* an (at times effective) exercise in forensics. As the Roman rhetorician Quintilian shrewdly observed, one of the best strategies for assuaging the anxieties of an audience is what he calls *concessum non datum*. Unfortunately, Johnson's own concession has ended up selling the company store. In my review I was not referring so much to his concession (quoted by Mr. Ghelardi) that if God does not exist then natural selection is our best available candidate for how complex forms came to be—although that quote certainly is as good an indication as any of my contention that the design argument will only end up becoming a breeding ground for atheism, a fetid terrarium for a whole new brood of Richard Dawkinses (not a pleasant thought, that).

Rather, I was referring, at least primarily, to Prof. Johnson's concession of handing over microevolution to Darwinian natural selection while reserving for the Second Person of the Trinity the role of jump-starting evolution and of intervening now and again to create a new *Bauplan* when God thought it necessary to move from elephant to tiger, or whatever. Apparently, the finches can take care of themselves, but conspicuously different species must certainly have had a Designer in their background, who it seems must have devised them in his celestial studio.

Now Prof. Johnson's concession of microevolution to materialist Darwinism while cordoning off macroevolution as a redoubt of Intelligent Design is either Creation "Science" on the installment plan, or (more likely) Deism put under a stroboscope. If one *must* conceive of the universe as an artifact (and how odd that materialist Darwinians and Intelligent Designers both hold that life is a mechanical artifact), then the idea of a Clockmaker God who winds it all up and then departs the scene has a certain plausibility, I suppose. But the idea that God swooshed down from heaven 3.5 billion years ago to toggle some organic-soup chemicals into self-replicating molecules and thereafter, as occasion warranted, had to intervene to jump-start new species is, quite literally, incredible. Prof. Johnson's God is not even the recessive Clockmaker God of the Deists. Rather, his God is one who, with disconcerting inconsistency, intervenes *every now and again*. As I say, Deism under a stroboscope.

Keith Masson claims that because Prof. Johnson has not set for himself the task of providing a solution to the problem of evil, I am in effect taxing him for not doing what he had no intention of doing. I certainly agree that nothing is more irritating to an author than to be judged for failing to do what he never planned to do. Thus I do not lament the author's failure to provide a well worked out theodicy. But as a systematic theologian myself, I would insist that at a minimum a natural theology not make the task of theodicy impossible, which is just what *The Wedge of Truth* has done. For by the author's lights, God has left the finches on the Galapagos Islands to fend for themselves, and will intervene but occasionally, and only when absolutely necessary, to get a significantly different species up and running.

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Besides making it impossible for humans to come to terms with tragedies like birth defects, where the most minor genetic variation can later cause catastrophic effects in the phenotype, Prof. Johnson's schema must raise in every believer's mind the central dilemma that lurks in his strategy of *concessum non datum*: if God was supposed to have intervened so directly 3.5 billion years ago to construct a well-designed cell, and if He is needed to design new *Baupläne* at irregular intervals, why does He not intervene when a fire breaks out in the cockpit of an airplane flying over the Atlantic? Or when stray radiation from the sun affects the sequence of a DNA molecule, later causing birth defects?

In my opinion, the only possible approach for a Christian theologian in dealing with the presence of evil is that of Thomas Aquinas, who holds, *pace* David Hume, that an omnipotent and benevolent God can coexist with evil in His finite creation, but only when the world is viewed both as a totality and under the aegis of eschatology. In the passage immediately following his six-sentence discussion of the Fifth Way, Aquinas explains the connection: "As Augustine says, since God is the highest good, He would not allow any evil to exist in His works unless His omnipotence and goodness were such as to bring good even out of evil. This is part of the infinite goodness of God, that He should allow evil to exist, and out of it produce good."

Admittedly, this is a difficult perspective to adopt for those whose experience of tragedy prevents them from seeing the cosmos as a whole, and under God's judgment. That situation is perfectly understandable. But the argument from design prevents a global perspective from the outset and by its very presuppositions, which is why Paley's last chapter in his *Natural Theology*, which treats of this issue of evil, sounds so offensive to modern ears, ears now acutely attuned to the cries coming out of the abattoir we call the twentieth century.

Which brings me to Phillip Johnson's criticism of the Pope. When I first read his accusations of recent papal lapses into secularism and materialism in his previous book, *Defeating Darwinism by Opening Minds*, I thought the charge too risible to merit refutation. For that reason, I greeted his gentler treatment of the Pope in *The Wedge of Truth* with relief, which is why I wished to compliment him in my review for his more sensible views. Now I gather from his letter that he still harbors these same misgivings.

But besides the sheer prima facie preposterousness of the charge that John Paul II has been taken in by secularist and materialist arguments, my main worry in Prof. Johnson's criticism of the Pope's letter on evolution is the way he continues to suffer under, well, the fallacy of the false dilemma. *If* the inevitable consequence to acknowledging the truth of evolution is secularism and materialism, then of course the Pope has made an epochal blunder. But not only has the Holy Father showed no discernible signs of doctrinal latitudinarianism since the time the letter was published in October 1996, but the entire premise of Prof. Johnson's criticism is wrong.

For example, J. Budziszewski worries aloud that by assaulting Intelligent Design I have deprived Christians in academia of a perfectly serviceable argument. But besides the fact that Thomas Aquinas says that bad arguments for God's existence do more harm than good, since they give unbelievers an occasion to laugh (ST I, q. 46, art. 2, response), I would also claim that *apologetics is not that difficult.* Why not start with perfectly obvious features of our existence that cannot in principle be explained—or even explained away—by naturalism? Just two or three well chosen lines from the pen of the Austrian philosopher Ludwig Wittgenstein would be enough to stop a materialist dead in his tracks: "What is good is also divine. Queer as it sounds, that sums up my ethics. Only something supernatural can express the Supernatural." "People keep forgetting to go right down to the foundations. They don't put the question marks down *deep* enough." "We feel that when *all possible* scientific questions have been answered, the problems of life remain completely untouched." "It is not how things are in the world that is mystical, but that it exists."

In almost every regard except their theistic conclusions (or deistic, I would maintain), advocates of Intelligent Design share the metaphysical presuppositions of their opponents, and so it is no wonder that I am greeted with dismay and charges of "mockery," "ridicule," and closet treason to the cause of Christian apologetics for pointing out the glaring flaws of their argument. For by their lights I am depriving theists of their last remaining redoubt against the acid of modernist positivism. As to that charge, I would merely reply with the retort of the medieval logician: *nego suppositum* ("I deny the premise of the argument").

Finally, Prof. Johnson praises me for my citation of Cardinal Newman's deft description of secular intellectuals ("They persuade the world of what is false by urging upon it what is true") and claims that his own work as a Christian apologist does battle against this very legerdemain. Unfortunately, his own work falls into that same trap. In fact, I would hold that all of the current Intelligent Designers engage in that same trick. This becomes especially evident when they give lectures to church groups or other congregations of the already convinced and trot out giant-sized Styrofoam mock-ups of mousetraps or other similar toys. In the first part of their lecture they will first urge upon the audience the blatantly obvious truth, which no one has ever denied, that contraptions require assembly. But then in the next part of the lecture comes the whopper: and *therefore*

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God is the Artificer of the universal artifact.

Even when argued not so crudely as I have described it here, the argument, in essence, hearkens back to Plato's famous passage in the *Timaeus* where God is likened to the Demiurge (Carpenter) of the cosmos. Perhaps because Cicero happened to translate that particular dialogue for his aristocratic Roman public and thereby unintentionally made it one of the few texts from Plato available to the Latin West in the early Middle Ages, this image of God as Artificer proved to have a tenacious hold on the medieval imagination. Only after long and arduous reflection was its incompatibility with the Christian notion of God eventually established. Still, it was an image so powerful and tenacious that it took the Christian philosophers of the Middle Ages literally centuries to purge. Why revert to it now?

In conclusion, I thank Bob Puharic for his generous letter.

He is Risen

Ingathering my frail smocked son he says: don't squeeze.
Absolution by poison has made him into papier maché;
They kill him then redress the balance,
Befuddle his blood to save the valved heart.

If the worst of life connives such weakness
How can I plot to sidestep
The slow grinding dust to dust
And graft my tissue to his

To make him new weighty again
Full of substance, begotten not made?

Nicholas Wolf

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THIS TIME

Conflicts Foreign and Domestic

James Nuechterlein

Among my earliest political memories are the debates I had as a young teenager with my father about foreign policy. He was a staunch Midwestern isolationist, a devotee of Senator Robert Taft, while I was a Thomas Dewey/Dwight Eisenhower internationalist. Our disagreements were not just about the present—should Ike or Taft get the 1952 Republican presidential nomination?—but also, and if anything more strongly, about the past.

We went back and forth endlessly as to the wisdom of American participation in both world wars. He insisted that we could and should have remained neutral in World War I, and he never gave up the belief that Franklin Roosevelt had deviously maneuvered the Japanese into the attack on Pearl Harbor that brought us into World War II. I, on the other hand, had in my adolescent omniscience no reservations whatsoever as to the strategic and moral necessity of American involvement in both conflicts.

It seems clear, in retrospect, that our differences had to do in largest part with our different life experiences. He grew up early in the century in an isolated German-American community in central Michigan that was pro-German in 1914 and that fiercely resisted American intervention on the Allied side. And when that intervention came in 1917, he experienced the anti-German nativism that came in its wake. My experience, just a generation later, could hardly have been more different. I grew up in Detroit an unhyphenated American—my parents, now eager to be considered properly American, neither taught their children German nor made them think of themselves as German—and my formative memories were of the Good War that matched a virtuous America and her valiant allies against the monstrous German-Japanese Axis. My father read his isolationism forward from 1914-1918; I read my interventionism backward from 1941-1945.

This is not to say that differences about foreign policy can be reduced simply to ethnic attachments or generational experiences. From the beginnings of the nation, arguments concerning America's proper role in the world have often reflected fundamental ideological and strategic disagreements. During the 1790s, perhaps the most divisive decade in the nation's history, Federalists and Republicans were at loggerheads over the wars resulting from the French Revolution, with Republicans championing the revolutionary cause as an extension of America's own break with England in 1776 and Federalists siding with the former mother country as a Burkean bulwark against political radicalism and religious impiety. Republicans accused Federalists of covert monarchist leanings; Federalists suspected Republicans of sympathies with Jacobinism.

The most enduring divide in disputes over foreign policy has been strategic: Should America take an activist role in the world or should it take advantage of its geographical separation from Europe and remain, except for challenges to its vital interests, essentially isolationist? To simplify considerably, the isolationist instinct prevailed throughout the nineteenth century and, in fact, our participation in World War I notwithstanding, well into the twentieth century. America would be, in its basic self-understanding, a model to the world but not its shaper.

That all changed, of course, with the outbreak of World War II. The change was a wrenching one. In his recent autobiographical memoir, the octogenarian Arthur Schlesinger, Jr. recalls the isolationist/interventionist dispute of 1939-41 as the most rancorous and divisive political argument of his lifetime, more so even than the conflict over Vietnam. After Pearl Harbor, of course, that dispute became moot, and it has largely remained so ever since. Robert Taft's neo-isolationist challenge to Eisenhower in 1952 never had a chance, and in the years and decades that followed disputes over foreign policy concerned how, not whether, America would exercise its internationalist role. America was a permanent player on the world scene, and our contest with the Soviet Union for global supremacy the dominant fact of the postwar era. Not even the most impassioned opponents of America's involvement in Vietnam imagined a return to Fortress America.

Between 1989 and 1991 the world turned upside down. We have been living with the collapse of communism for over a decade, but we have not yet entirely absorbed its implications. America is not *a* world power, it is *the* world power—the indispensable nation, as former Secretary of State Madeleine Albright liked to put it. But that very idea of "indispensability" makes a lot of Americans nervous, and it has awakened in them isolationist impulses that had seemed permanently interred.

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Full isolationism remains out of the question, but foreign policy activists find themselves sharply challenged by those urging a general policy of restraint. As was the case in the disputes preceding U.S. involvement in the two world wars, the divisions cut across party and ideological lines. Liberals and conservatives alike disagree among themselves on the proper exercise of American power, though perhaps the differences are more obvious on the right. Conservative advocates of restraint look with suspicion on the expansive notion of "national greatness conservatism" identified most closely with William Kristol and his colleagues at the *Weekly Standard.*

Many political observers expect these intra-conservative differences to be reflected in conflicts within the new Bush Administration, with Secretary of State Colin Powell and National Security Adviser Condoleezza Rice urging restraint and Vice President Dick Cheney and Secretary of Defense Donald Rumsfeld pushing a more interventionist strategy. General Powell's views reflect the attitudes of most senior military officers in the post-Vietnam era. America should intervene militarily, they say, only when her vital national interests are threatened, where there is strong public support for intervention, and where there is a high likelihood, bordering on certainty, that our aims can be achieved. Activists think that policy puts too much restriction on the pursuit of American strategic interests in the world. Issues of direct military intervention aside, they urge vigorous efforts to establish American political and moral values more widely in the world community, a policy that advocates of restraint find hubristic and, in any case, unlikely to succeed.

These general differences in inclination become specific disagreements over policy in a number of places, perhaps most notably Iraq, the Balkans, and China. How actively should the U.S. pursue the overthrow of Saddam Hussein and the installation of a democratic regime in his place? Should America keep troops in Bosnia and Kosovo and, more broadly, how deeply should we be involved in maintaining peace and stability in the region? How firmly should we challenge China's power in Asia, especially with respect to Taiwan, and how vigorously should we insist that the Chinese respect human rights in their domestic affairs?

There is, of course, no formula by which one can generate "correct" answers to all those questions. A successful foreign policy will always respect contingency, will always understand the wisdom embodied in the phrase, "It all depends." One cannot even, in the abstract, determine that activism or restraint is the proper general policy. My own answers to the above questions, for example, are sometimes activist, sometimes cautious. I'm hawkish on Taiwan, dovish on Bosnia, and a mugwump on Iraq. So also with other questions that could be raised about other parts of the world. (And so also with history: I'm quite certain my father was wrong about World War II, but less certain than I once was about what America should have done in 1917.)

But if formulas cannot work, one inevitably approaches foreign policy, as other areas of public policy, with inclinations and predispositions. My instincts are, on balance, on the side of restraint—which seems to me the natural conservative preference. I support American values: political democracy and religious freedom are both very good things and the world would be better off if they were more widely shared than they are. But the world is notoriously unmanageable, and I agree with the expressions of humility concerning America's global role made by candidate George W. Bush. I hope he governs accordingly. He's right that we shouldn't be paralyzed by memories of the Vietnam disaster, but neither should we forget the war's lessons, as much as we might dispute what those lessons are.

Presidents have a considerable amount of leeway in foreign policy; most people most of the time are willing to follow forceful leadership. How many Americans, after all, truly understand the details of events in the Balkans, much less have considered judgments as to the precise policy the U.S. should follow? But as recent Presidents have discovered, the public has a way of getting immediately focused—and very skittish—in the face of policies that accomplish nothing or, worse, produce American casualties.

I worry that an overly activist policy could meet with failures—think Haiti or Somalia—that could create a general disillusionment with American intervention that in turn would make it difficult for the U.S. to act when important interests are at stake. It is sometimes said that neoconservative Jews favor an activist foreign policy because they want an America inclined, if necessary, to intervene to protect Israel. I worry instead that a failed activist policy could reduce America's inclination to protect and defend Israel.

Despite the events of the past half century, Americans are not, at heart, wedded to internationalism. They do not necessarily want the rest of the world to go away, but neither are they disposed to want to save it from its follies. (Late in life, my father opposed involvement in Vietnam for the same reason he opposed involvement in World War I: it was none of our damn business.) The spirit of Robert Taft has never been fully exorcised, and the Bush Administration would do well to avoid actions that summon it to life. FT

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Opinion

Managed by Care

Nancy Harvey

The year was 1962. My sister was eagerly preparing for the brave new world of junior high. To ready herself for this great event, she began to buy *Teen* magazine. Since I read whatever was lying around, I picked it up and, at the age of ten, discovered the world of managed care.

No one told us how to be kids. We just were, and it was a lot of fun. But while boys seemed to be able to go on growing and doing whatever came naturally, girls needed help. Nature couldn't just take its course, and parents were too old-fashioned to be of any service. Fortunately, there were "experts" ready to help, for the small fee of fifty cents. So I began to read *Teen* magazine, and discovered how desperately I needed someone to manage my adolescence for me.

My first discovery was that I was ugly. This came as quite a shock. But I soon realized that I had company. Everyone else was ugly, too. We couldn't just walk around afflicting the world with our ugliness. Fortunately, Dear Beauty Editor was there to help. In fact, every paragraph in her column seemed to begin with the word "help." "Help! My nose is too wide!" "Help! My ears stick out!" "Help! My waist is too thick!" Dear Beauty Editor would comfort the afflicted with specific remedies—dark makeup on the sides and light makeup on top of the nose, a bouffant hairdo to hide the ears, vertical lines to disguise the waist. Over the next few years I read articles dealing with every part of the body not covered by a G-string, all flawed, all needing "help." I soon learned that clothes, shoes, and hair styles could not be chosen simply because they were pretty or comfortable. Style was essential, but the main goal was to hide all the flaws.

After sensitizing us and raising our consciousness about our inadequate bodies, the magazine went on to manage our personalities. There were two advice columns, Dear Jack and Dear Jill, full of pleas from shy and desperate teens also needing "help." "Help! I broke up with my boyfriend but I'd really like to date him again." "Help! This really cute guy asked me out. I thought we had a great time, but he never called back." "Help! I really like this boy in my science class. How can I get things started?"

Dear Jack and Dear Jill soothed these unfortunates with advice which always seemed to end with the words, "Be yourself," as if all those neat boys in science class never rejected a girl who was herself. To forestall this possibility, the magazine told us just what kind of self we were supposed to be. First and foremost, we were told to be good listeners. This sounds easy, but a listener cannot listen unless someone is talking. Expecting a shy girl to engage an awkward boy in conversation is like expecting a terrier pup to bark at foes and not at friends.

We were also told to have lots of interests and participate in many activities. It was taken for granted that these would be the popular things—sports, current TV shows, movies, and pop music. I was interested in almost everything that crawled or happened on the face of the earth except sports, current TV shows, movies, and pop music.

But I faithfully read the magazine, never doubting that the advice would come in handy some day. Then it happened. In ninth grade, a boy smiled at me. A cute boy. I smiled back. We walked to class. The next day it happened again. And again. The boy was not in sports or school activities. He was too shy to do more than smile. What could I say? Do you like canoes? Victor Hugo? Dennis Brain? I didn't even try. None of the advice I'd read over the years seemed to apply. My first romance fizzled out.

When my sister went to college, my *Teen* supply dried up since I was too cheap to buy it for myself. I lost touch with the world of managed care until the day, years later, when I got a letter in my mailbox at school.

As a French teacher in a small town school, I was safe from the "experts" who knew nothing about French. No one told me how to teach but myself, for the most part. So it was a new sensation to receive in my mailbox a list of suggestions for helping kids with attention deficit disorder. The list was in everyone's box. It was one of those things the special services director had to do. ADD kids often have trouble organizing their space. The list told teachers exactly how to help.

The teacher has to remain in the hall between classes, or she will get in trouble with the Principal. The final bell rings. The kids are in the room, standing around talking. The teacher rushes in. She shoves two desks together for Matthew; she pushes two desks together for Mark; she hurls two desks together for Luke. (She regrets that John, Paul, and Barnabas must sit on the floor.) Meanwhile, her students are talking, but she can't start class yet. She must get tape recorders for the three boys. She must set the recorders on the desks, insert the tapes, and connect the headphones. (ADD students often need taped lessons.) She welcomes the boys and guides them to their desks. She helps them set

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out their books, paper, pencils, and notebooks, helps them turn to the right chapter, adjusts their headphones, and starts their tapes. Now she can start class, but she must check back every six or seven minutes—ADD students need help to stay on task. There were many more suggestions, all useful in a classroom with four or five kids, all ridiculous in a class of thirty students who also need attention.

I began to read about classroom management techniques, and I saw that most of them were quite sensible, as long as the teacher didn't have to teach and manage at the same time. But managed care does not stop with advice on how to do our jobs. We can find advice on how to manage every detail of our lives, from the correct way to wash our faces in the morning to the proper way to curl up in bed at night. The *St. Louis Post Dispatch* once published an article on the best way to set out photos on the desk at work, telling us what size photos to display, who should be pictured, how many photos we should use, where to place them, and how they should be grouped.

I once knew a man who was leaving his first pastorate for bigger things. He actually bought a book on how to leave a church. Leaving a church does, in fact, have its difficulties. Most of us want a pastor we know and love to preside at our daughter's wedding or our mother's funeral, even when he's no longer our pastor. There are only two perfect solutions to this problem. One is for the pastor to be such a pain that everyone is glad to see the back of him; the other is to move so far away that no one can possibly expect a return. Our friend took the second route: he moved from mid-Missouri to a church four blocks from the Atlantic Ocean.

Pastors, it turns out, get lots of advice. One came to see me in the hospital, and it was obvious that he had been listening to the hospital visitation "experts." He didn't sit in the chair; he positioned himself the correct number of inches from the edge. He tilted his body slightly forward, smiled, and established the proper eye contact. Occasionally he stopped smiling, looked serious, and intoned the recommended phrase—"I hear you."

I wanted to dump the ice pitcher over his carefully sprayed gray hair and see if there was a person behind the façade, but I didn't quite feel up to it. I was offended, as we all are at a bad performance. Perhaps we need an "expert" to tell the "experts" that acting is an art, requiring hard work and talent.

I had another hospital visit that same week. This pastor sat sideways in his chair. He squirmed and fidgeted. He looked at me and looked away. He was worried about me, not about whether he was correctly positioned to show sympathy. He was concerned, not occupied with seeming concerned. I was grateful for his visit.

"Managed" hospital visits are bad enough, but parenting advice can be even worse. When Rodney kicks Susie at the table, and Susie grabs Rodney's hair and jerks his face into the mashed potatoes, mom doesn't have time to recall all the "expert" advice on sibling rivalry and sort through various recommendations for an effective solution. And since she knows her children better than anyone else, she can probably find a better solution than any professional. Her remedy may not work, but the same is true for the experts'.

For years, experts have been telling parents, "Respect your child's privacy. Don't pry, don't snoop, give him space, don't invade his territory." Certain families in Colorado have probably wondered why such "expert" advice went so horribly wrong.

This is the problem with managed care. If I want to paint my deck or make potato salad, I can follow techniques that will guarantee success. But when I am dealing with people instead of potatoes, such is not the case. Once we have applied "love your neighbor as yourself" and "do as you would be done by," the playing field is the same for everyone—rough and extremely bumpy.

I sometimes think our insatiable appetite for advice simply comes from our refusal to admit that no matter how much expert advice we swallow, our lives will never be even close to perfect. Not only will we lose our lives by continually worrying about the best way to live them, we will still say the wrong thing and do the wrong thing. And unless we are dealing with sin, saying and doing the "wrong thing" may be the best thing we can do.

One day, as I was waiting for a college class to start, a boy I had met in music theory came up and asked if I had been to any concerts lately. "No," I said, "I'd really like to go, but I haven't been able to drag anyone with me." After I said those words, I could almost hear the thud as Dear Jack and Dear Jill fainted at their desks and slid to the floor. A girl could hardly say anything worse. The boy will think no one wants to date her. The boy will think she's a desperate man-chaser. The boy will say, "That's too bad. Well, gotta go, see ya," and hide the next time he sees her.

But this boy took hope from my answer. He immediately asked me to go to a concert with him. That was almost thirty years ago. We are still together, probably because we have jealously guarded our marriage from the "experts" of managed care.

Nancy Harvey, *now retired, taught French and English in the Missouri public schools.*

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The First Freedom Under Siege

Paul Marshall

Worldwide, religious freedom is deteriorating. A world is a difficult thing to summarize, but the trend shows that repression of religious minorities is widespread in countries with large populations, such as China, India, Pakistan, Indonesia, Sudan, and Nigeria, and that religion is increasingly a key element of modern wars in the Balkans, Israel, Chechnya, and Kashmir.

While overall the situation is worse, however, there is also good news. Latin America has become one of the most religiously free areas in the world. And, except for the former Yugoslavia, the countries of Eastern Europe have also become largely free. One great story of the last quarter century is the victory of freedom in the traditionally Catholic world. There are also many free countries in Africa, especially in the south, while several smaller Asian countries are also free. Nevertheless, the dominant pattern in the world is the increasing political influence of religion coupled with increasing religious repression.

Religious persecution, meaning violence in which the religion of the persecuted or the persecutor is a factor, affects all religious groups. Christians and animists in Sudan, Baha'is in Iran, Ahmadiyas in Pakistan, Buddhists in Tibet, and Falun Gong in China are the most intensely persecuted, while Christians are the most widely persecuted group. But there is no group in the world that does not suffer because of its beliefs. All religions, whether large, such as Christianity, Islam, Hinduism, or Buddhism, or small, such as Baha'i, Jehovah's Witness, or Judaism, suffer to some degree. In many cases these attacks come from their own religious group. Thus Shiite Muslims in Pakistan and Afghanistan suffer persecution and even death from some dominant Sunni groups.

Religious freedom is also not confined to any one area or continent. There are relatively free countries in every continent and of every religious background. Perhaps surprisingly, South Korea, Taiwan, Japan, South Africa, Botswana, Mali, and Namibia are freer than France and Belgium. There are now absolutely no grounds for thinking that religious freedom is an exclusively Western desire or achievement.

Religious freedom varies depending on the historical religion of the country. This is complex, since current regimes may reflect comparatively little of a country's religious background. China, North Korea, and Vietnam have a largely Buddhist background, but current religious repression comes from self-proclaimed atheistic materialists. Turkey has an Islamic background but the present secular government aggressively represses peaceful Muslim expression. Thirty years ago many traditionally Christian countries were under Communist repression. Despite this variety, the overall patterns can be illuminating.

Historically Christian countries, with the notable exception of Cuba, Belarus, and Serbia, are now nearly all religiously free. Within Christianity, Protestantism tends to score higher than Catholicism and both higher than Orthodoxy. Other religiously free countries include Israel and countries of largely Buddhist background, including Japan, Mongolia, South Korea, Thailand, and Taiwan. This suggests that a Buddhist tradition can be a good foundation for religious freedom.

The most striking recent change has been in traditionally Hindu countries, notably India. India has a strong history of religious freedom but has recently voted into power a party promoting an intolerant Hinduism, thereby removing a country harboring nearly a fifth of the world's people from the list of nations that are religiously free.

Historically Islamic countries form the large majority of the unfree regimes. There may soon be improvement since Indonesia, with the world's largest Muslim population, is in a painful transition to democracy while Nigeria, about half Muslim, may also establish itself as a democracy. However, both countries are currently unsettled, and their move to democracy is marked by large-scale regional religious violence.

Policy elites tend to overlook the religious motivations of foreign regimes, letting their secularism prevent them from even seeing, much less understanding, the role of religion in human life. For example, at the end of 1997 the former executive editor of the *New York Times*, A. M. Rosenthal, confessed, "Early this year I realized that in decades of reporting, writing, or assigning stories on human rights, I rarely touched on one of the most important. Political human rights, legal, civil, and press rights, emphatically often; but the right to worship where and how God or conscience leads, almost never."

This myopia can have painful consequences. The CIA refused to examine the beliefs and attitudes of the Ayatollah Khomeini's followers in Iran before they took power, claiming it would be mere "sociology," intelligence-speak for irrelevant academic verbiage. Parallel tales can be told of Vietnam, Bosnia, Lebanon, the Philippines, Nicaragua, India, Israel, Sudan, and Indonesia.

This neglect often comes from redefining religion as "ethnicity," a tendency to which Americans are particu-

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larly prone. Distinguished diplomat Chester Crocker's otherwise excellent lecture to the Foreign Policy Research Institute on "How to Think about Ethnic Conflict" described even the Northern Ireland and India-Pakistan conflicts as "ethnic," even though the sides share ethnicity, and are divided by religion. "Ethnic cleansing" is the new term for religious repression all over the world, thanks to depictions of the former Yugoslavia wherein war between Orthodox, Catholics, and Muslims was routinely described as "ethnic."

Another mistake is to assimilate religious disputes to the political categories of Western Enlightenment culture, as though this constituted the common opinion of reasonable humankind, or at least the common opinion of Americans. Thus, Islamic and Hindu militants are often described as "right-wing." But what is a "right-wing" or "left-wing" view of plans to build a Hindu temple on the site of the Babri mosque, or the place of the Temple Mount and al-Aqsa mosque in Jerusalem? Neither has anything to do with categories of left and right, and each situation can be understood only in light of its deep-seated religious context.

When ethnicity fails to subsume religion, a common alternative is to call it "fundamentalist," a catchall term for any manifestation of intense religious fervor. Such religious militancy is often treated as the sublimation of drives that can really be explained by poverty, economic change, or the stresses of modernity. Of course, these can play a role in religious expression; no part of human life is sealed off from any other. But all too often what we encounter is a priori methodological commitment to treat religion as secondary, as an evanescent and derivative phenomenon that can be explained, but never used to explain.

Taking religion seriously in international affairs can illuminate conflicts of various kinds. It is worth noting that most wars in the last fifty years have occurred on the margins of the traditional religions. The Middle East, the southern Sahara, the Balkans, the Caucasus, Central Asia, and South Asia are where Islam, Christianity, Judaism, Buddhism, and Hinduism intersect. These conflicts are not usually explicitly religious wars. But since religion shapes culture, people at these boundaries have different histories and different views of human life, and are thus more likely to oppose one another.

I am not suggesting that religion, independent of other cultural, ethnic, economic, political, or strategic elements, is the only or the key factor in explaining social behavior: societies are complex. But I am saying that it is simply absurd to examine a political order without attending to the role of religion.

One reason why religion is frequently associated with social unrest is that "globalization" or "westernization" is penetrating deeply into traditional cultures. Traditional believers in Japan or Java did not in the past wonder about who they were. But now, through new communications and commodities, local identity cannot simply be taken for granted, and, so, needs to be consciously asserted.

It is also significant that the leaders of these societies are less likely than their immediate postwar predecessors to have been shaped by contact with and education in former colonizing societies. Recent generations of political elites in traditional societies have most often grown up within their country and profess less need to adopt Western ways.

Both these trends are exacerbated by the collapse of communism, which eliminated the only major alternative to globalization. Consequently those distressed by the dominant directions of the world now look to their own country's traditions, which of course are predominantly religious traditions.

One result of these trends is the growth of religious nationalism, whether heartfelt or contrived, wherein countries are defined increasingly by their religious inheritance. This has typified the conflicts between Serbs, Croats, and Bosnian Muslims. It is endemic in India, Sri Lanka, and Nepal, while, to acquire legitimacy, the Burmese junta masquerades as Buddhist. The Chinese government inveighs against "foreign" religions, while other regimes in the region celebrate so-called "Asian values."

Within the Islamic world, this religious nationalism interweaves with pan-Islamic or pan-Arab motifs. In Egypt, Afghanistan, and Malaysia, the focus is more on the particular country, while for most terrorists loyalty is to the whole Islamic world. This pan-Islamicism is rapidly becoming a major factor in the conflict between Israel and the Palestinians, and underlies most of the terrorism in Indonesia.

Despite the claims of their proponents, these trends are not repristinations of previous religious patterns. In traditional societies there was little need to assert or defend a religious identity, which is one reason that some of the most religiously free Muslim societies are monarchies such as Jordan and Morocco. But in the modern world, with its democratic jostlings and communication networks, religious identities are challenged and, hence, religious leaders must rally their supporters. The result is that belief becomes more like ideology and the faithful become more like a movement.

Some policy analysts in the U.S. prefer to play down issues of religious freedom because they recognize that religious issues are often intractable. Compromises over religion are much harder to negotiate than deals over land or water. Religious issues are not

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named for fear that their mere mention conjures them into existence.

However, religious conflict and religious repression will not go away simply because our foreign policy elites refuse to speak of it. The United States can only address such conflict if it clearly and unsentimentally acknowledges it. Religious freedom is historically the first freedom in the growth of human rights and often has more to do with the growth of democracy than does a direct focus on political activity itself. Integrating religious issues and concerns into a coherent policy is extremely difficult, of course. While all human rights pressures make realists nervous, religion carries the added burden of touching on very deep-seated commitments. But America's historic concern for freedom will not be sustained without a more informed and urgent appreciation of religious freedom.

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Critical Thinking Prohibited

Edward McGlynn Gaffney, Jr.

Federal courts in Louisiana recently reached the conclusion that too much thinking about the difficult issues involved in evolution can be downright dangerous. The Tangipahoa Parish Board of Education required its teachers to read a statement before any classroom discussion dealing with evolution urging the students "to exercise critical thinking and gather all information possible and closely examine each alternative toward forming an opinion" regarding "the origin of life and matter." Some parents filed suit alleging that this violated the First Amendment religion clause, a federal trial court agreed, and a three-judge panel of the Fifth Circuit Court of Appeals affirmed. The U.S. Supreme Court declined to review the case.

The school board had hoped its policy would pass First Amendment muster because it disclaimed any attempt to promote religion. Elsewhere, the Court has claimed that a disclaimer can go a very long way in allowing conduct in the public square that might otherwise be prohibited. For example, in *Capitol Square Review Board v. Pinette* (1995) the Ku Klux Klan wanted to erect a cross in a public square in Columbus. The authorities denied access to this forum on the grounds that allowing the Klan to use the public square in this way would implicate the government in the hatred and violence symbolically associated with the Klan's cross-burnings. The Court held that the Klan's display was expression fully protected under the Free Speech Clause, and Justice Antonin Scalia noted that a modest disclaimer from the authorities would suffice to clarify that the State was not endorsing the racist theory advocated by the Klan.

Yet because the underlying subject of the Tangipahoa case was evolution, the Court seemed to think, a disclaimer was not enough. In *Epperson v. Arkansas* (1968) the Supreme Court invalidated a statute that forbade the teaching of evolution in public schools. In *Edwards v. Aguillard* (1987) the Court struck down a Louisiana statute that required the teaching of creationism whenever evolution was also taught. Neither of these cases control the Tangipahoa case because the school district had neither forbidden the teaching of evolution nor required the teaching of creationism. The offending policy simply required teachers to inform students before discussions of evolution that teaching "the Scientific Theory of Evolution [is intended] to inform students of the scientific concept and not intended to influence or dissuade the biblical version of Creation or any other concept"; further, the statement said, "it is the basic right and privilege of each student to form his/her own opinion or maintain beliefs taught by parents on this very important matter of the origin of life and matter." Invoking *Lemon v. Kurtzman* (1971), the trial court invalidated the policy on the ground that it lacked a secular purpose. The announced purpose of the policy—to promote critical thinking by students on the subject of the origin of life—was a sham. The real reason, opined the court, was to promote religion.

Courts normally don't treat legislation with such suspicion, just as people normally trust their friends to tell the truth. From time to time, though, judges do need to treat the actions of elected officials with skepticism, just as sometimes we have to confront our friend over his deceptive behavior. Skepticism is important sometimes, but this sort of constitutional power play is rarely employed even in those cases, such as nonestablishment cases, where the purpose of a policy is important to its constitutionality. In dozens of cases in which the Court has either sustained or invalidated programs of financial assistance to children attending religious schools, the Court has never ruled that any of these programs lacked a valid secular purpose. The only instances in which it has relied on the secular purpose

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requirement of *Lemon* to invalidate a school policy have been with regard to the posting of the Ten Commandments and the teaching of evolution in public schools.

The Fifth Circuit agreed with the trial court that the stated purpose of the disclaimer policy—promoting critical thinking—was a sham. But it ruled that the school board nonetheless passed muster under the secular purpose test of *Lemon* because the school board stated two other valid secular purposes for its policy: "disclaiming any orthodoxy of belief that could be inferred from the exclusive place of evolution in the curriculum, and reducing offense to any student or parent caused by the teaching of evolution."

Under *Epperson* and *Aguillard* a finding of a valid secular purpose for a school policy would have ended the matter. It didn't in this instance. The Fifth Circuit concluded that the disclaimer policy was still invalid because it failed to meet the second requirement of *Lemon*: that a policy not have the "primary and principal effect" of advancing religion. In the view of the court, "The primary effect of the disclaimer is to protect and maintain a particular religious viewpoint, namely belief in the biblical version of creation." The court offered three reasons for this conclusion. None is persuasive.

First, the court noted that the school board's disavowal of endorsement of evolution is juxtaposed with urging that students contemplate alternative theories of the origin of life. Well, yes, but open minds seeking alternative explanations is at the heart of scientific inquiry. Ironically, the court adopted a secular stereotype of religion, in which religion is associated exclusively with leaps of faith rather than with Anselm's "faith seeking understanding." The judges made their own leap here, asserting that promoting critical thinking about the origins of the universe must be equated with advancing religion.

Second, the court thought the disclaimer policy advanced religion by urging respect for "beliefs" taught by parents regarding the origin of life. To the court's suspicious ears, the term "beliefs" sounded religious, but since everybody has beliefs of all different kinds, the word is actually neutral between religious and nonreligious convictions.

Third, the court invalidated the disclaimer because the "biblical version of Creation" was the only alternative theory that it explicitly mentioned. The court evidently deemed this phrase an impermissible privileging of the religious faith of biblical believers. The chief difficulty with this move is that it conveniently ignored the next four words in the disclaimer policy: "or any other concept." It is one thing for courts to remind us that the government may not promote Christian tenets, as it did when it forbade the recitation of the Lord's Prayer in public schools in the *Schempp* case (1963). But it seems a far stretch from *Schempp* to the present case, in which respect for any alternative opinions or beliefs on the origins of life is disallowed.

When an appellate panel rules, one of the parties can ask the full court to hear the case again. Seven judges in the Fifth Circuit voted to hear this case—one vote short of the margin needed for rehearing. In denying the petition for rehearing, the Fifth Circuit panel insisted it was ruling narrowly:

> We emphasize that we do not decide that a state-mandated statement violates the Constitution simply because it disclaims any intent to communicate to students that the theory of evolution is the only accepted explanation of the origin of life, informs students of their right to follow their religious principles, and encourages students to evaluate all explanations of life's origins, including those taught outside the classroom. We decide only that under the facts and circumstances of this case, the statement of the Tangipahoa Parish School Board is not sufficiently neutral to prevent it from violating the Establishment Clause.

There is, of course, nothing wrong with insisting upon governmental neutrality among competing claims concerning religion. Substantive neutrality is at the heart of the nonestablishment principle. As Professor Douglas Laycock puts it, the religion clause requires government to "minimize the extent to which it either encourages or discourages religious belief or disbelief, practice or nonpractice, observance or nonobservance." But neutrality is precisely what the disclaimer policy sought to achieve. And it is precisely what the court has disallowed, leaving behind not neutrality, but a tilt toward the secularist predicates of Darwinism. The conclusion that an innocuous disclaimer constitutes an establishment of religion needs more basis in law than a passing reference to unspecified "facts and circumstances of this case."

It takes the vote of four Supreme Court Justices to initiate review of a case. Only three—Chief Justice William Rehnquist, Justice Scalia, and Justice Clarence Thomas—voted to hear this case. Justice Scalia wrote a dissent from the denial of certiorari. In an earlier case Scalia compared the *Lemon* test to a "ghoul in a late-night horror movie that repeatedly sits up in its grave and shuffles abroad, after being repeatedly killed and buried." Noting that "a majority of the Justices has at various times expressed their disapproval of the *Lemon* test" (Justices Sandra Day O'Connor and Anthony Kennedy have also criticized *Lemon*, but voted not to hear this case), Scalia wrote that he would have used

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this case as a vehicle "to inter the *Lemon* test once for all." The three dissenting Justices argued that even if it is correct to rely upon the *Lemon* test, the conclusion that the disclaimer advanced religion merited at least full review, if not summary reversal. "Far from advancing religion," wrote Scalia, "the 'principal or primary effect' of the disclaimer at issue here is merely to advance freedom of thought."

To an empirical observer the dispute over the primary effect of a policy should be easy to resolve. Observe the phenomenon. Formulate a hypothesis that accounts for all of the data with the fewest gratuitous assumptions. Then tell us what the results or effects are. Alas, the *Lemon* test does not require judges to use the scientific method in resolving a dispute about effects. Instead, prejudice trumps. There was no empirical observation of advancement of religion in this case for the simple reason that it was assumed from the outset. At least with the inverted legal reasoning of the Queen of Hearts, evidence had to come after she had announced the verdict. In the day-to-day operation of the *Lemon* test, evidence is never needed. Assertions can pass for "findings of fact."

Imagine someone in the government with power to censor serious debate over the origins of life, and you will understand the power of the court injunction in the Louisiana disclaimer case. Imagine the ipse dixits that passed for legal reasoning in this case, and you will grasp the unsatisfactory character of an opinion that closes down discussion on the implausible fear that critical thinking about the origins of life in the universe is unconstitutional.

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What Is Law? A Century of Arguments

Robert P. George

There is a sense in which twentieth-century legal philosophy began on January 8, 1897. On that day, Oliver Wendell Holmes, then a justice of the Supreme Judicial Court of Massachusetts, spoke at a ceremony dedicating the new hall of the Boston University School of Law. In his remarks, which were published that spring in the *Harvard Law Review* under the title *The Path of the Law*, Holmes sought to debunk the jurisprudence of the past and to propose a new course for modern jurists and legal scholars. Holmes' themes—the question of law's objectivity and the relationship between law and morality—have preoccupied legal philosophy in the century that was then dawning and has now drawn to a close.

The opening sentence of Holmes' lecture invited his audience—lawyers, law professors, and law students—to consider what it is we study when we study law. We are not, he said, studying a "mystery," but, rather, "a well-known profession." People are willing to pay lawyers to advise and represent them because "in societies like ours the command of the public force is entrusted to the judges in certain cases, and the whole power of the state will be put forth, if necessary, to carry out their judgments and decrees." Now, this is a fearsome power. So people "will want to know under what circumstances and how far they will run the risk of coming against what is so much stronger than themselves, and hence it becomes a business to find out when this danger is to be feared." The object of the study of law, therefore, "is prediction, the prediction of the incidence of the public force through the instrumentality of the courts."

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This was the thesis of *The Path of the Law*. It was intended, I believe, as a provocation. And so Holmes formulated it in provocative ways:

> A legal duty so called is nothing but a prediction that if a man does or omits certain things he will be made to suffer in this or that way by judgment of the court. . . . The prophecies of what the courts will do in fact, and nothing more pretentious, are what I mean by the law. . . . The duty to keep a contract at common law means a prediction that you must pay damages if you do not keep it—and nothing else.

The power of provocation is usually enhanced to the extent one obscures one's intention to provoke. And so Holmes claimed merely to be proposing a "businesslike understanding of the matter." Such an understanding, he insisted, requires us strictly to avoid confusing moral and legal notions. This is difficult, Holmes suggested, because the very language of law—a language of "rights," "duties," "obligations," "malice," "intent," etc.—lays a "trap" for the unwary. "For my own part," he declared in another famously provocative sentence, "I often doubt whether it would not be a gain if every word of moral significance could be banished from the law altogether, and other words adopted which should convey legal ideas uncolored by anything outside the law."

Holmes' implicit denial of law's objectivity is not unconnected to his insistence on the strict separation of moral and legal notions. "One of the many evil effects of the confusion between legal and moral ideas," he stated, "is that theory is apt to get the cart before the horse, and to consider the right or the duty as something existing apart from and independent of the consequences of its breach, to which certain sanctions are

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added afterward." A corrective, according to Holmes, was to adopt the viewpoint of a "bad man" when trying to understand the law as such:

> If you want to know the law and nothing else, you must look at it as a bad man, who cares only for the material consequences which [legal] knowledge enables him to predict, not as a good one, who finds his reasons for conduct, whether inside the law or outside of it, in the vaguer sanctions of conscience.

And what exactly is being corrected by adopting the bad man's point of view?

> You will find some text writers telling you that [the law] is something different from what is decided by the courts of Massachusetts or England, that it is a system of reason, that it is a deduction from principles of ethics or admitted axioms or whatnot, which may or may not coincide with the decisions. But if we take the view of our friend the bad man we shall find that he does not care two straws for the axioms or deductions, but that he does want to know what the Massachusetts or English courts are likely to do in fact.

"I am," Holmes declared, "much of his mind."

Still for all his skepticism—legal and moral—Holmes denied that his was "the language of cynicism":

> The law is the witness and external deposit of our moral life. Its history is the history of the moral development of the race. The practice of it, in spite of our popular jests, tends to make good citizens and good men. When I emphasize the difference between law and morals I do so with reference to a single end, that of learning and understanding the law.

Going still further, Holmes claimed to "venerate the law, and especially our system of law, as one of the vastest products of the human mind." It was not, he assured his readers, disrespect for the law that prompted him to "criticize it so freely," but rather a devotion to it that expresses itself in a desire for its improvement.

Holmes' aim was merely, he said, to expose some common fallacies about what constitutes the law. For example, some people—Holmes doesn't tell us who they are—hold that "the only force at work in the development of the law is logic." This erroneous way of thinking is, Holmes advised his audience, "entirely natural" for lawyers, given their training in logic with its "processes" of analogy, discrimination, and deduction, but it is erroneous nevertheless. Moreover, "the logical method and form flatter that longing for certainty and for repose which is in every human mind." "But," Holmes went on to say,

> certainty generally is an illusion, and repose is not the destiny of man. Behind the logical form lies a judgment as to the relative worth and importance of competing legislative grounds, often an articulate and unconscious judgment, it is true, and yet the very root and nerve of the whole proceeding.

Now, this is getting interesting. The man who would later utter, in another connection, the famous aphorism that "the life of the law has not been logic, it has been experience," has already told his audience in this lecture that law is a matter of prediction, of prophecies of what courts will do in fact. He has also expressed great skepticism about the role of logic in guiding the decision-making of judges whose rulings, one way or the other, will constitute the law. So, how are those decisions to be rationally guided? What is "the law" from the perspective, not of the "bad man," but of the "good judge" who, facing a disputed question of law, will not be comforted by the assurance that "the law" is a prediction of how he will in fact resolve the case? In fact, what he wishes to do is to resolve the case according to the law. That, he supposes, is his job. He wants to rule on the matter favorably to the litigant whose cause is supported by the superior *legal* argument. But what constitutes *legal* argument? What are the sources of law upon which legal reasoning operates?

Of course, one candidate for inclusion in the list of legal sources is history. And according to Holmes, "The rational study of law is still to a large extent the study of history." Is this good or bad? "History must," Holmes says, "be a part of the study, because without it we cannot know the precise scope of rules which it is our business to know." But then comes the punch line: "It is a part of the rational study, because it is the first step toward an enlightened skepticism, that is, toward a deliberate reconsideration of the worth of those rules."

So, history is not a source in the sense that the legal rules uncovered (and whose meaning is clarified) by historical inquiry are authorities that guide the reasoning of the conscientious judge. On the contrary, such study has its value in exposing such rules to "an enlightened skepticism" regarding their value. But then, by appeal to what standards are such judgments of value to be made? And—most critically—are these standards internal to the law or external? Does the judge discover the proper standards *in* the legal materials—the statutes, the cases, the learned treatises—or bring them

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to those materials? If the latter, then what is the discipline from which he derives them?

These are questions that will be central to the theoretical reflections of jurists and legal scholars throughout the twentieth century. They will be answered one way by Jerome Frank and his fellow "legal realists" in the first half of the twentieth century, and precisely the opposite way by Ronald Dworkin and his followers in the second half. H. L. A. Hart—the greatest of the English-speaking legal philosophers of the century—will refer to the realists' answer as the "nightmare" that law does not exist, and to Dworkin's answer as the "noble dream" that law as such provides a "right answer"—a single uniquely correct resolution—to every dispute that makes its way into the courtroom.

Holmes' own answer was tantalizingly ambiguous. In *The Path of the Law* he said at one point, "I think . . . the judges themselves have failed adequately to recognize their duty of weighing considerations of social advantage." At another point he made this remarkable statement:

> I look forward to a time when the part played by history in the explanation of [legal] dogma shall be very small, and instead of ingenious research we shall spend our energy on a study of the ends sought to be attained and the reasons for desiring them. As a step toward that ideal it seems to me that every lawyer ought to seek an understanding of economics.

Three-quarters of a century later, Richard Posner, Frank Easterbrook, Richard Epstein, Guido Calebresi, and other theorists and practitioners of the "economic analysis of law" would take this last piece of advice quite literally. Their books, law review articles, and—in the cases of Posner, Easterbrook, and, most recently, Calebresi—judicial opinions would subject legal rules and social policies to cost-benefit tests and other forms of economic analysis to assess their instrumental rationality and thus, in some cases, their legal validity. What these scholars and jurists do fits pretty well with Holmes' desire for lawyers and judges to "consider the ends which the several rules seek to accomplish, the reasons why those ends are desired, what is given up to gain them, and whether they are worth the price." But, one must ask, would Holmes really approve their doing it?

Although Holmes was, in his politics, "a moderate, liberal reformer," he was resolutely determined, as a judge, not to "legislate from the bench." Indeed, during a period of unprecedented "judicial activism," he became the symbol of opposition to the judicial usurpation of legislative authority under the guise of interpreting the Constitution. As a Justice of the Supreme Court of the United States, he drew as sharp a line as any jurist of his time between "law" and "politics"—even when the politics in question concerned political economy. In what is perhaps his most celebrated dissent, Holmes castigated the majority in the 1905 case of *Lochner v. New York* for invalidating a state law setting maximum working hours for employees in bakeries on the ground that such a regulation violated the "freedom of contract" that was held to be implicit in the Due Process Clause of the Fourteenth Amendment. Holmes argued that this so-called "substantive due process" doctrine was an invention designed to authorize what was, in fact, the illegitimate judicial imposition of a theory of economic efficiency and a morality of economic relations on the people of the states and the nation. His claim was not that there was anything defective in that theory; on the contrary, its "Social Darwinist" dimensions held considerable appeal to him. Rather, it was that judges had no business substituting their judgments of efficiency and value for those of the people's elected representatives in Congress and the state legislatures. They, he famously said, should be able to go to hell in their own way.

It is not that any of this is flatly inconsistent with what Holmes asserted in *The Path of the Law.* Indeed, at one point in that lecture he seems to suggest that training in economics and a due weighing of considerations of social advantage will have the salutary effect of encouraging judicial restraint. "I cannot but believe," he declared, "that if the training of lawyers led them habitually to consider more definitely and explicitly the social advantage on which the rule they lay down must be justified, they sometimes would hesitate where now they are confident, and see that really they were taking sides upon debatable and often burning questions."

But plainly Holmes, as a judge—and, above all, as a dissenting judge—is supposing that the law is something more than merely a prophecy of what the courts will in fact decide. As a dissenter, he holds that the courts have decided the case incorrectly. Of course, he does not deny that their rulings—even where incorrect—have the binding force of law, at least until they are reversed by higher courts of appeal; but he does suppose that the judges in the majority "got the law wrong." So, apparently, judges in resolving disputes should be guided, in some significant sense, by law. And this presupposes the reality of law, and indeed, the *preexistence* of law, as something more than a "prophec[y] of what courts will do in fact."

So we must press the question: To what standards of legal correctness should the judge look in reasoning to the resolution of a case? Are the standards internal to the legal materials and discoverable, by some method, in them? Or are they external? Do judges "find" the law? Or do they, necessarily, "create" it? Can lawyers predict

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or "prophesy" what a good and conscientious judge will do by figuring out what he should do in light of the legal materials that should control his reasoning? If that is all Holmes means by "prediction" and "prophecy," then his debunking exercise is, for all its provocative language, far less skeptical than it appeared.

Drawing their inspiration from Holmes, however, there soon emerged a group of legal scholars who were prepared, for a while at least, to expose the idea of law to truly radical skepticism. The legal realist movement, which reached the peak of its influence in the 1930s and '40s, advanced the debunking project well beyond the point at which Holmes had left things in *The Path of the Law.* Felix Cohen, Karl Llewellyn, Jerome Frank, and others pressed to an extreme the idea of jurisprudence as an essentially "predictive" enterprise. "Law," according to Llewellyn, was what "*officials do about disputes.*" In accounting for their decisions, he insisted, it could only rarely be true to say that they are guided by rules. The trouble is not—or not just—that judges and other officials are willful, and thus willing to lay aside the clear command of legal rules in order to do as they please. It is that legal rules are necessarily vague and susceptible of competing reasonable interpretations and applications. Even the problem of selecting which rule to apply to a given set of facts can only rarely be solved by looking to a clear rule of selection. The result is a measure of indeterminacy that makes nonsense of the idea of legal objectivity. The key to understanding the phenomenon of law—accounting for what judges and other officials do or predicting what they will do about disputes—is not the analysis of legal rules. It must be something else. True, judges and other officials cite the rules in justifying their decisions. But if we are to be realistic about what is going on, according to Llewellyn, we must recognize that this is the mere legal rationalization of decisions reached on other grounds.

Frank's realism was, if anything, still more extreme in its denial of legal objectivity. Going beyond Llewellyn's "rule-skepticism," Frank declared himself to be a "fact-skeptic" as well. Thus he denied law's objectivity even in the rare cases in which a clear rule was clearly applicable. Since rules must be applied to facts in order to generate a legal outcome, everything depends on findings of fact in trial courts and other fact-finding tribunals. And facts are, in most cases, virtually as indeterminate as legal rules. In statements that seem eerily, well, realistic in the aftermath of the O. J. Simpson trial, Frank argued that our perceptions of facts are deeply influenced by conscious and subconscious beliefs, attitudes, and prejudices that vary among groups and individuals. So the key to understanding law—understood in legal realist terms—is understanding people's beliefs, attitudes, and prejudices, and why they hold them. Since law is a sort of epiphenomenon of human psychology, legal scholarship should be directed to scientific (e.g., psychological) and social scientific studies of human motivation. To be realistic, it should abandon the idea that law preexists and is available to guide legal decisions.

The legal realists' insistence on the indeterminacy of law would, in our own time, be reasserted by advocates of "critical legal studies," though this time in the service of a "new left" political agenda and with nothing like the realists' faith in the objectivity and explanatory power of the natural and social sciences. The realists themselves were, like Holmes, political progressives—moderate liberals—eager to bring instrumental rationality to bear to solve social problems. Many were New Dealers. A few became judges, and those who did were, like Holmes, far less radical in practice than their theoretical views would have led one to predict. Although appeals to the alleged findings of social science became an increasingly common feature of judicial opinions as the twentieth century wore on, realists who became judges rarely cited their own subjective views or prejudices or psychological predilections as grounds for their decisions. Rather, they cited legal rules as the ultimate reasons for their decisions and claimed, at least, to lay aside their own preferences in fidelity to the law. (Interestingly, in the aftermath of the revelation of Nazi atrocities in Europe, Frank declared himself, in the Preface to the Sixth Edition of his *Law and the Modern Mind,* to be a follower of the natural law teaching of St. Thomas Aquinas on the basic questions of law and morality. Nothing in his earlier writings, he insisted, was ever meant to suggest otherwise.)

Of course, realism had its appeal precisely because it was, from a certain vantage point, realistic. Trial lawyers take issues of venue and voir dire very seriously because they know—and knew long before the O. J. Simpson case—that who is on the jury can be critical to whether facts are found favorably to their clients. And one of the first questions lawyers at any level of litigation want to know the answer to is who the judge or judges are who will be making determinations of law at the trial or on appeal. Often enough, different jurors or a different judge or judges means different results. Clearly, then, the phenomenon of law includes strong elements of "subjectivity."

But the realists overstated their case. Their argument falters under the same question we put to Holmes a little while ago. From the point of view of conscientious judges, the law is not—for it cannot be—a prediction of their own behavior. Often they, like Holmes, will be faced with what they themselves perceive to be a duty to follow rules whose application generates outcomes that run contrary to their personal preferences. True, a willful judge can simply give effect to his prejudices under

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the guise of applying the law, at least until reversed by a higher court of appeal (if there is one). But this is no modern discovery. And it is no more a threat to the possibility of law's objectivity than is the fact that people sometimes behave immorally a threat to the objectivity of morals. Just as a conscientious man strives to conform his behavior to what he judges to be the standards of moral rectitude, the conscientious judge strives to rule in conformity with the controlling rules of law. And no account of the phenomenon of law which ignores the self-understanding of such a judge—no account which, that is to say, leaves his point of view out of account—can do justice to the facts.

This, I think, was clear to H. L. A. Hart. He above all other English-speaking juridical thinkers in the wake of legal realism recognized that the shortcomings of legal skepticism had mainly to do, not with the dangers of its capacity to undermine the public's faith in the rule of law, but rather with realism's inability realistically to account for the phenomenon of law as it functions in human societies. Realist theories failed to fit the facts. And they failed to fit the facts because they approached the phenomenon of law from a purely external viewpoint. The problem, according to Hart, was not that legal realists were bad lawyers; it was that they were bad psychologists and social scientists, even as they looked to psychology and social science to explain the phenomenon of law.

Social phenomena—phenomena created or constituted, at least in part, by human judgment, choice, cooperation, etc.—can never adequately be understood, Hart argued, without adopting what he called the "internal point of view." This is the point of view of those who do not "merely record and predict behavior conforming to rules" or understand legal requirements as mere "signs of possible punishment," but rather "*use* the rules as standards for the appraisal of their own and others' behavior."

On this score, Hart faulted not only the legal realists, but also the leading figures in his own intellectual tradition, the tradition of analytical jurisprudence inspired by Thomas Hobbes and developed by Jeremy Bentham and his disciple John Austin. The problem with their jurisprudential theories, Hart observed, is that they too fail to fit the facts. And they fail to fit the facts because they do not take into account the practical reasoning of people whose choices and actions create and constitute the phenomenon of law—people for whom legal rules function as reasons for decisions and actions.

Hart in no way denied the wide variability of legal rules. Beyond some basic requirements of any legal system—what Hart called the "minimum content of natural law"—there is a great deal of variation from legal system to legal system. But in all societies that have achieved a legal order—that is, moved from a prelegal order to a regime of law—law exhibits a certain objectivity and autonomy from other phenomena, including other normative systems. And the law of any system is not truly understood by the theorist until he understands the practical point of the law from the perspective of actors within the system who understand themselves to be making laws for reasons and acting on reasons provided by the laws.

In his masterwork, *The Concept of Law*, Hart invited his readers to treat his analysis as "an essay in descriptive sociology." But his was a sociology designed to make possible the understanding of legal systems "from the inside." So what he proposed, and what the tradition of analytical jurisprudence has now more or less fully accepted as Hart's most enduring contribution, is that even "the descriptive theorist (whose purposes are not practical) must proceed . . . by adopting a practical point of view. . . . [He must] assess importance or significance in similarities and differences within his subject matter by asking what would be considered important or significant in that field by those whose concerns, decisions, and activities create or constitute the subject matter."

If Hart rejected the externalism of Bentham and Austin—with its understanding of law (in Hobbesian fashion) as constituted by commands of a sovereign ("orders backed by threats") who is habitually obeyed by a populace but who in turn obeys no one—he retained their commitment to "legal positivism." He described this much-misunderstood commitment as the acknowledgment of a "conceptual separation" of law and morals. Although he was yet another moderate liberal in his politics, Hart did not mean by "positivism" the idea that law ought not to embody or enforce moral judgments. True, in his famous debate with Patrick Devlin over the legal enforcement of morals, Hart defended a modified version of J. S. Mill's "harm principle" as the appropriate norm for distinguishing legitimate from illegitimate state enforcement of morality; but he fully recognized that this principle itself was proposed as a norm of political morality to be embodied in, and respected by, the law. Moreover, he understood perfectly well that the content of legal rules reflected nothing so much as the moral judgments prevailing in any society regarding the subject matters regulated by law. So Hart cheerfully acknowledged the many respects in which law and morality were connected, both normatively and descriptively. In what respect, then, did he insist on their "conceptual separation"?

As I read *The Concept of Law*, as well as Hart's later writings, the "conceptual separation" thesis seems rather modest. It has to do above all, I think, with the legitimate aspiration of the descriptive sociologist to keep his descriptions, to the extent possible, free of coloration by his own normative moral views. One can rec-

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ognize a law, or even a whole legal system, *as* a law or legal system, irrespective of whether one believes that that law or legal system is just; indeed, even a gravely unjust legal system can be, from a meaningful descriptive viewpoint, a legal system. And what is true of the descriptive sociologist or legal theorist can also be true of the judge who may conclude in a given case that the law—identified by authoritative criteria or standards of legality—provides a rule of decision in the case at hand which is, from the moral point of view, defective. In repudiating what he took—wrongly, in my view—to be the defining proposition of the natural law theorist, Hart denied in an unnecessarily wholesale fashion the proposition *lex iniusta non est lex* (an unjust law is not law).

Although his views in fundamental moral theory are frustratingly elusive, nothing in Hart's positivism commits him in any way to the moral skepticism, subjectivism, or relativism characteristic of the positivism of, say, Hans Kelsen or that one detects in the extrajudicial writings of Oliver Wendell Holmes. In fact, the student of Hart's who has remained closest to his views in legal theory, Joseph Raz, combines Hartian legal positivism with a robust moral realism. Hart and Raz have both insisted—rightly, in my view—on the necessity of some conceptual separation of law and morality for the sake of preserving the possibility of moral criticism of law. As John Finnis has recently observed, the necessary separation "is effortlessly established [by Aquinas] in the *Summa* [by] taking human positive law as a subject for consideration in its own right (and its own name), a topic readily identifiable and identified *prior* to any question about its relation to morality."

Nevertheless, Hart's positivism generated one of the century's most fruitful jurisprudential debates when it was challenged by Lon L. Fuller in the late 1950s. Fuller—whose careful explication and working out of the diverse elements of the Aristotelian ideal of the Rule of Law constitutes a genuine achievement of twentieth-century legal philosophy—proposed an argument to show that law and morality are, as a matter of brute fact, more tightly connected than Hart's positivism would allow. He sought to show that law necessarily embodies an "internal morality" that defies Hart's "conceptual separation" thesis. He offered to argue the point, not as a normative matter about moral standards that positive law *ought* to meet, but rather on Hart's own terms, as a descriptive proposition about moral standards that law has to embody before even the purely descriptive theorist can recognize it as law.

In *The Morality of Law*, Fuller offered an apparently "value free" definition of law that any legal positivist ought to be able to accept: "Law is the enterprise of subjecting of human behavior to the governance of norms." Nothing in this definition demands that those who make and enforce the laws be wise, virtuous, benign, or concerned in any way for the common good. Still, some things follow from it. For example, people cannot conform their behavior to rules that have not been promulgated, or that lack at least some measure of clarity, or that apply retrospectively. So promulgation, clarity, and prospectivity are aspects of the Rule of Law. Where they are absent, no legal system exists or, at most, only a highly defective legal system exists. And there are other requirements, including some significant measure of reliable conformity of official action with stated rules. Taken together, Fuller argued, the Rule of Law constitutes a *moral* achievement.

While adherence to the Rule of Law does not guarantee that a legal system will be perfectly just—in fact, all legal systems contain elements of injustice—it does mean that a certain minimum set of moral standards must be met before a legal system actually exists. And, sure enough, or so Fuller supposed, grave injustice is rarely found in systems in which the rulers—whatever their personal vices and bad motives—govern by law. It is in societies in which the Rule of Law is absent that the most serious injustices occur. Of course, Hart wasn't buying this for a moment. While he admired and for the most part accepted Fuller's brilliant explication of the Rule of Law, he saw no reason to refer to its content as an internal *morality*. He contended, moreover, that there is no warrant for supposing that a system of law could not be gravely unjust, or that the Rule of Law provided any very substantial bulwark against grave injustice. Indeed, Raz later argued against Fuller that the Rule of Law was analogous to a sharp knife—valuable for good purposes, to be sure, but equally useful to rulers in the pursuit of evil objectives.

The Hart/Fuller debate (like the Hart/Devlin debate) was an illuminating one. I count on it every year for one or two lively meetings of my seminar in Philosophy of Law at Princeton. My own judgment is that Fuller scored a powerful point in establishing a certain moral value of the Rule of Law, but that Hart rightly resisted Fuller's somewhat exaggerated moral claims on its behalf. In any event, I do not think that Fuller undermined the central appeal of the "conceptual separation" thesis: the methodological aspiration to avoid confusing "law as it is" with "law as it ought to be."

For Hart, the question of how much law-creating (or "legislative") authority a judge has, if any, or where that authority obtains, is not to be resolved at the level of general jurisprudence. Legal systems differ—indeed, reasonably differ—on the question of how such law-making authority is to be allocated among judges and other actors in the overall political system. To be sure, Hart observes that legal rules are inevitably "open textured" and, thus, in need of authoritative interpretation in their concrete application; and this entails a cer-

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tain measure of judicial discretion and law-making authority as a matter of fact, even in those systems which exclude it in theory. This means that the wall between legal validity and the moral judgment of judges is porous, even in systems (such as the British one) of avowed legislative supremacy. Hart's legal positivism is, in fact, completely compatible with the recognition that judges in some legal systems are invited or even bound under the positive law of the constitution to bring moral judgment to bear in deciding cases at law. Hart's is not a theory designed to show judges how they can resolve cases without making moral judgments, though neither is it a theory offering to justify their doing so. The theory simply isn't addressed to such questions.

What I think Hart *is* to be faulted for is a failure to see and develop fully the implications of his own refutation of Benthamite and Austinian positivism and of his adoption of the internal point of view. (Some of these implications are acknowledged by Raz in his recent work.) The central or focal case of a legal system, to borrow a principle of Aristotle's method in social study, is one in which legal rules and principles function as practical reasons for citizens, as well as judges and other officials, because the citizens appreciate their moral value.

Yet Hart himself, in *The Concept of Law* and elsewhere, declined to distinguish central from peripheral cases of the internal point of view itself. Thus, he treated cases of obedience to law by virtue of "unreflecting inherited attitudes" and even the "mere wish to do as others do" no differently from morally motivated obedience of fidelity to law. These "considerations and attitudes," like those which boil down to mere self-interest or the avoidance of punishment, are, as Finnis says, "diluted or watered-down instances of the practical viewpoint that brings law into being as a significantly differentiated type of social order and maintains it as such. Indeed, they are parasitic upon that viewpoint."

This is in no way to deny any valid sense to the positivist insistence on the "conceptual separation" of law and morality. It is merely to highlight the ambiguity of the assertion of such a separation and the need to distinguish, even more clearly than Hart did, between the respects in which such a separation obtains and those in which it does not. Still less is it to suggest that belief in natural law or other forms of moral realism entails the proposition that law and morality are connected in such a way as to confer upon judges as such a measure of plenary authority to enforce the requirements of natural law or to legally invalidate provisions of positive law they judge to be in conflict with these requirements. Important work by Finnis and others has clearly identified the misguidedness of such a suggestion. The truth of the proposition *lex iniusta non est lex* is a moral truth, namely, that the moral obligation created by authoritative legal enactment—that is to say, by positive law—is conditional rather than absolute; our prima facie obligation to obey the law admits of exceptions.

What about law's objectivity? Does law "exist" prior to legal decision? Can judicial reasoning be guided by standards internal to the legal materials? At the dawn of the twenty-first century we can, I think, affirm a position more subtle than the one Holmes asserted at the end of the nineteenth. Yes, the standards to guide judicial reasoning can be internal to the law of a system that seeks to make them so, though never perfectly. Positive law is a human creation—a cultural artifact—though it is largely created for moral purposes, for the sake of justice and the common good. That is to say, law exists in what Aristotelians would call the order of technique, but it is created in that order precisely for the sake of purposes that obtain in the moral order. So, for moral reasons, we human beings create normative systems of enforceable social rules that enjoy, to a significant extent, a kind of autonomy from morality as such. We deliberately render these rules susceptible to technical application and analysis for purposes of, for example, fairly and finally establishing limits on freedom of conduct, as well as resolving disputes among citizens, or between citizens and governments, or between governments at different levels. And to facilitate this application and analysis we bring into being a legal profession, from which we draw our judges, that is composed of people trained in programs of study that teach not, or not just, moral philosophy, but the specific tools and techniques of research, interpretation, reasoning, and argument relevant to *legal* analysis.

To stress law's objectivity and relative autonomy from morality is by no means to deny the Thomistic proposition that just positive law is derived from the natural law. For Thomas himself did not suppose that positive law was anything other than a cultural artifact, a human creation, albeit a creation of great moral worth brought into being largely for moral purposes. Nor did he suppose that a single form or regime of law was uniquely correct for all times and places. His stress on *determinationes* by which human lawmakers give effect to the requirements of natural law in the shape of positive law for the common good of his community—enjoying, to a considerable extent, the creative freedom Aquinas analogized to that of the architect—reveals his awareness of the legitimate variability of human laws. Whomever Holmes may have had in mind in criticizing those "text writers" who saw law as a set of deductions from a few axioms of reason, the charge does not apply to Aquinas. In this, as in so many other respects, the Angelic Doctor was a man of the twentieth century and—if I may engage in a bit of prediction and prophecy myself—of the twenty-first and beyond. FT

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Catholicism & Capital Punishment

Avery Cardinal Dulles

Among the major nations of the Western world, the United States is singular in still having the death penalty. After a five-year moratorium, from 1972 to 1977, capital punishment was reinstated in the United States courts. Objections to the practice have come from many quarters, including the American Catholic bishops, who have rather consistently opposed the death penalty. The National Conference of Catholic Bishops in 1980 published a predominantly negative statement on capital punishment, approved by a majority vote of those present though not by the required two-thirds majority of the entire conference.* Pope John Paul II has at various times expressed his opposition to the practice, as have other Catholic leaders in Europe.

Some Catholics, going beyond the bishops and the Pope, maintain that the death penalty, like abortion and euthanasia, is a violation of the right to life and an unauthorized usurpation by human beings of God's sole lordship over life and death. Did not the Declaration of Independence, they ask, describe the right to life as "unalienable"?

While sociological and legal questions inevitably impinge upon any such reflection, I am here addressing the subject as a theologian. At this level the question has to be answered primarily in terms of revelation, as it comes to us through Scripture and tradition, interpreted with the guidance of the ecclesiastical magisterium.

In the Old Testament the Mosaic Law specifies no less than thirty-six capital offenses calling for execution by stoning, burning, decapitation, or strangulation. Included in the list are idolatry, magic, blasphemy, violation of the sabbath, murder, adultery, bestiality, pederasty, and incest. The death penalty was considered especially fitting as a punishment for murder since in his covenant with Noah God had laid down the principle, "Whoever sheds the blood of man, by man shall his blood be shed, for God made man in His own image" (Genesis 9:6). In many cases God is portrayed as deservedly punishing culprits with death, as happened to Korah, Dathan, and Abiram (Numbers 16). In other cases individuals such as Daniel and Mordecai are God's agents in bringing a just death upon guilty persons.

In the New Testament the right of the State to put criminals to death seems to be taken for granted. Jesus himself refrains from using violence. He rebukes his disciples for wishing to call down fire from heaven to punish the Samaritans for their lack of hospitality (Luke 9:55). Later he admonishes Peter to put his sword in the scabbard rather than resist arrest (Matthew 26:52). At no point, however, does Jesus deny that the State has authority to exact capital punishment. In his debates with the Pharisees, Jesus cites with approval the apparently harsh commandment, "He who speaks evil of father or mother, let him surely die" (Matthew 15:4; Mark 7:10, referring to Exodus 21:17; cf. Leviticus 20:9). When Pilate calls attention to his authority to crucify him, Jesus points out that Pilate's power comes to him from above—that is to say, from God (John 19:11). Jesus commends the good thief on the cross next to him, who has admitted that he and his fellow thief are receiving the due reward of their deeds (Luke 23:41).

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*The statement was adopted by a vote of 145 to 31, with 41 bishops abstaining, the highest number of abstentions ever recorded. In addition, a number of bishops were absent from the meeting or did not officially abstain. Thus the statement did not receive the two-thirds majority of the entire membership then required for approval of official statements. But no bishop rose to make the point of order.

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The early Christians evidently had nothing against the death penalty. They approve of the divine punishment meted out to Ananias and Sapphira when they are rebuked by Peter for their fraudulent action (Acts 5:1-11). The Letter to the Hebrews makes an argument from the fact that "a man who has violated the law of Moses dies without mercy at the testimony of two or three witnesses" (10:28). Paul repeatedly refers to the connection between sin and death. He writes to the Romans, with an apparent reference to the death penalty, that the magistrate who holds authority "does not bear the sword in vain; for he is the servant of God to execute His wrath on the wrongdoer" (Romans 13:4). No passage in the New Testament disapproves of the death penalty.

Turning to Christian tradition, we may note that the Fathers and Doctors of the Church are virtually unanimous in their support for capital punishment, even though some of them such as St. Ambrose exhort members of the clergy not to pronounce capital sentences or serve as executioners. To answer the objection that the first commandment forbids killing, St. Augustine writes in *The City of God*:

> The same divine law which forbids the killing of a human being allows certain exceptions, as when God authorizes killing by a general law or when He gives an explicit commission to an individual for a limited time. Since the agent of authority is but a sword in the hand, and is not responsible for the killing, it is in no way contrary to the commandment, "Thou shalt not kill" to wage war at God's bidding, or for the representatives of the State's authority to put criminals to death, according to law or the rule of rational justice.

In the Middle Ages a number of canonists teach that ecclesiastical courts should refrain from the death penalty and that civil courts should impose it only for major crimes. But leading canonists and theologians assert the right of civil courts to pronounce the death penalty for very grave offenses such as murder and treason. Thomas Aquinas and Duns Scotus invoke the authority of Scripture and patristic tradition, and give arguments from reason.

Giving magisterial authority to the death penalty, Pope Innocent III required disciples of Peter Waldo seeking reconciliation with the Church to accept the proposition: "The secular power can, without mortal sin, exercise judgment of blood, provided that it punishes with justice, not out of hatred, with prudence, not precipitation." In the high Middle Ages and early modern times the Holy See authorized the Inquisition to turn over heretics to the secular arm for execution. In the Papal States the death penalty was imposed for a variety of offenses. The Roman Catechism, issued in 1566, three years after the end of the Council of Trent, taught that the power of life and death had been entrusted by God to civil authorities and that the use of this power, far from involving the crime of murder, is an act of paramount obedience to the fifth commandment.

In modern times Doctors of the Church such as Robert Bellarmine and Alphonsus Liguori held that certain criminals should be punished by death. Venerable authorities such as Francisco de Vitoria, Thomas More, and Francisco Suárez agreed. John Henry Newman, in a letter to a friend, maintained that the magistrate had the right to bear the sword, and that the Church should sanction its use, in the sense that Moses, Joshua, and Samuel used it against abominable crimes.

Throughout the first half of the twentieth century the consensus of Catholic theologians in favor of capital punishment in extreme cases remained solid, as may be seen from approved textbooks and encyclopedia articles of the day. The Vatican City State from 1929 until 1969 had a penal code that included the death penalty for anyone who might attempt to assassinate the pope. Pope Pius XII, in an important allocution to medical experts, declared that it was reserved to the public power to deprive the condemned of the benefit of life in expiation of their crimes.

Summarizing the verdict of Scripture and tradition, we can glean some settled points of doctrine. It is agreed that crime deserves punishment in this life and not only in the next. In addition, it is agreed that the State has authority to administer appropriate punishment to those judged guilty of crimes and that this punishment may, in serious cases, include the sentence of death.

Yet, as we have seen, a rising chorus of voices in the Catholic community has raised objections to capital punishment. Some take the absolutist position that because the right to life is sacred and inviolable, the death penalty is always wrong. The respected Italian Franciscan Gino Concetti, writing in *L'Osservatore Romano* in 1977, made the following powerful statement:

> In light of the word of God, and thus of faith, life—all human life—is sacred and untouchable. No matter how heinous the crimes . . . [the criminal] does not lose his fundamental right to life, for it is primordial, inviolable, and inalienable, and thus comes under the power of no one whatsoever.
>
> If this right and its attributes are so absolute, it is because of the image which, at creation, God impressed on human nature itself. No

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> force, no violence, no passion can erase or destroy it. By virtue of this divine image, man is a person endowed with dignity and rights.

To warrant this radical revision—one might almost say reversal—of the Catholic tradition, Father Concetti and others explain that the Church from biblical times until our own day has failed to perceive the true significance of the image of God in man, which implies that even the terrestrial life of each individual person is sacred and inviolable. In past centuries, it is alleged, Jews and Christians failed to think through the consequences of this revealed doctrine. They were caught up in a barbaric culture of violence and in an absolutist theory of political power, both handed down from the ancient world. But in our day, a new recognition of the dignity and inalienable rights of the human person has dawned. Those who recognize the signs of the times will move beyond the outmoded doctrines that the State has a divinely delegated power to kill and that criminals forfeit their fundamental human rights. The teaching on capital punishment must today undergo a dramatic development corresponding to these new insights.

This abolitionist position has a tempting simplicity. But it is not really new. It has been held by sectarian Christians at least since the Middle Ages. Many pacifist groups, such as the Waldensians, the Quakers, the Hutterites, and the Mennonites, have shared this point of view. But, like pacifism itself, this absolutist interpretation of the right to life found no echo at the time among Catholic theologians, who accepted the death penalty as consonant with Scripture, tradition, and the natural law.

The mounting opposition to the death penalty in Europe since the Enlightenment has gone hand in hand with a decline of faith in eternal life. In the nineteenth century the most consistent supporters of capital punishment were the Christian churches, and its most consistent opponents were groups hostile to the churches. When death came to be understood as the ultimate evil rather than as a stage on the way to eternal life, utilitarian philosophers such as Jeremy Bentham found it easy to dismiss capital punishment as "useless annihilation."

Many governments in Europe and elsewhere have eliminated the death penalty in the twentieth century, often against the protests of religious believers. While this change may be viewed as moral progress, it is probably due, in part, to the evaporation of the sense of sin, guilt, and retributive justice, all of which are essential to biblical religion and Catholic faith. The abolition of the death penalty in formerly Christian countries may owe more to secular humanism than to deeper penetration into the gospel.

Arguments from the progress of ethical consciousness have been used to promote a number of alleged human rights that the Catholic Church consistently rejects in the name of Scripture and tradition. The magisterium appeals to these authorities as grounds for repudiating divorce, abortion, homosexual relations, and the ordination of women to the priesthood. If the Church feels herself bound by Scripture and tradition in these other areas, it seems inconsistent for Catholics to proclaim a "moral revolution" on the issue of capital punishment.

The Catholic magisterium does not, and never has, advocated unqualified abolition of the death penalty. I know of no official statement from popes or bishops, whether in the past or in the present, that denies the right of the State to execute offenders at least in certain extreme cases. The United States bishops, in their majority statement on capital punishment, conceded that "Catholic teaching has accepted the principle that the State has the right to take the life of a person guilty of an extremely serious crime." Joseph Cardinal Bernardin, in his famous speech on the "Consistent Ethic of Life" at Fordham in 1983, stated his concurrence with the "classical position" that the State has the right to inflict capital punishment.

Although Cardinal Bernardin advocated what he called a "consistent ethic of life," he made it clear that capital punishment should not be equated with the crimes of abortion, euthanasia, and suicide. Pope John Paul II spoke for the whole Catholic tradition when he proclaimed in *Evangelium Vitae* (1995) that "the direct and voluntary killing of an innocent human being is always gravely immoral." But he wisely included in that statement the word "innocent." He has never said that every criminal has a right to live nor has he denied that the State has the right in some cases to execute the guilty.

Catholic authorities justify the right of the State to inflict capital punishment on the ground that the State does not act on its own authority but as the agent of God, who is supreme lord of life and death. In so holding they can properly appeal to Scripture. Paul holds that the ruler is God's minister in executing God's wrath against the evildoer (Romans 13:4). Peter admonishes Christians to be subject to emperors and governors, who have been sent by God to punish those who do wrong (1 Peter 2:13). Jesus, as already noted, apparently recognized that Pilate's authority over his life came from God (John 19:11).

Pius XII, in a further clarification of the standard argument, holds that when the State, acting by its ministerial power, uses the death penalty, it does not exercise dominion over human life but only recognizes that the criminal, by a kind of moral suicide, has deprived himself of the right to life. In the Pope's words,

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> Even when there is question of the execution of a condemned man, the State does not dispose of the individual's right to life. In this case it is reserved to the public power to deprive the condemned person of the enjoyment of life in expiation of his crime when, by his crime, he has already dispossessed himself of his right to life.

In light of all this it seems safe to conclude that the death penalty is not in itself a violation of the right to life. The real issue for Catholics is to determine the circumstances under which that penalty ought to be applied. It is appropriate, I contend, when it is necessary to achieve the purposes of punishment and when it does not have disproportionate evil effects. I say "necessary" because I am of the opinion that killing should be avoided if the purposes of punishment can be obtained by bloodless means.

The purposes of criminal punishment are rather unanimously delineated in the Catholic tradition. Punishment is held to have a variety of ends that may conveniently be reduced to the following four: rehabilitation, defense against the criminal, deterrence, and retribution.

Granted that punishment has these four aims, we may now inquire whether the death penalty is the apt or necessary means to attain them.

Rehabilitation. Capital punishment does not reintegrate the criminal into society; rather, it cuts off any possible rehabilitation. The sentence of death, however, can and sometimes does move the condemned person to repentance and conversion. There is a large body of Christian literature on the value of prayers and pastoral ministry for convicts on death row or on the scaffold. In cases where the criminal seems incapable of being reintegrated into human society, the death penalty may be a way of achieving the criminal's reconciliation with God.

Defense against the criminal. Capital punishment is obviously an effective way of preventing the wrongdoer from committing future crimes and protecting society from him. Whether execution is necessary is another question. One could no doubt imagine an extreme case in which the very fact that a criminal is alive constituted a threat that he might be released or escape and do further harm. But, as John Paul II remarks in *Evangelium Vitae*, modern improvements in the penal system have made it extremely rare for execution to be the only effective means of defending society against the criminal.

Deterrence. Executions, especially where they are painful, humiliating, and public, may create a sense of horror that would prevent others from being tempted to commit similar crimes. But the Fathers of the Church censured spectacles of violence such as those conducted at the Roman Colosseum. Vatican II's Pastoral Constitution on the Church in the Modern World explicitly disapproved of mutilation and torture as offensive to human dignity. In our day death is usually administered in private by relatively painless means, such as injections of drugs, and to that extent it may be less effective as a deterrent. Sociological evidence on the deterrent effect of the death penalty as currently practiced is ambiguous, conflicting, and far from probative.

Retribution. In principle, guilt calls for punishment. The graver the offense, the more severe the punishment ought to be. In Holy Scripture, as we have seen, death is regarded as the appropriate punishment for serious transgressions. Thomas Aquinas held that sin calls for the deprivation of some good, such as, in serious cases, the good of temporal or even eternal life. By consenting to the punishment of death, the wrongdoer is placed in a position to expiate his evil deeds and escape punishment in the next life. After noting this, St. Thomas adds that even if the malefactor is not repentant, he is benefited by being prevented from committing more sins. Retribution by the State has its limits because the State, unlike God, enjoys neither omniscience nor omnipotence. According to Christian faith, God "will render to every man according to his works" at the final judgment (Romans 2:6; cf. Matthew 16:27). Retribution by the State can only be a symbolic anticipation of God's perfect justice.

For the symbolism to be authentic, the society must believe in the existence of a transcendent order of justice, which the State has an obligation to protect. This has been true in the past, but in our day the State is generally viewed simply as an instrument of the will of the governed. In this modern perspective, the death penalty expresses not the divine judgment on objective evil but rather the collective anger of the group. The retributive goal of punishment is misconstrued as a self-assertive act of vengeance.

The death penalty, we may conclude, has different values in relation to each of the four ends of punishment. It does not rehabilitate the criminal but may be an occasion for bringing about salutary repentance. It is an effective but rarely, if ever, a necessary means of defending society against the criminal. Whether it serves to deter others from similar crimes is a disputed question, difficult to settle. Its retributive value is impaired by lack of clarity about the role of the State. In general, then, capital punishment has some limited value but its necessity is open to doubt.

There is more to be said. Thoughtful writers have contended that the death penalty, besides being unnecessary and often futile, can also be positively

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harmful. Four serious objections are commonly mentioned in the literature.

There is, first of all, a possibility that the convict may be innocent. John Stuart Mill, in his well-known defense of capital punishment, considers this to be the most serious objection. In responding, he cautions that the death penalty should not be imposed except in cases where the accused is tried by a trustworthy court and found guilty beyond all shadow of doubt.

It is common knowledge that even when trials are conducted, biased or kangaroo courts can often render unjust convictions. Even in the United States, where serious efforts are made to achieve just verdicts, errors occur, although many of them are corrected by appellate courts. Poorly educated and penniless defendants often lack the means to procure competent legal counsel; witnesses can be suborned or can make honest mistakes about the facts of the case or the identities of persons; evidence can be fabricated or suppressed; and juries can be prejudiced or incompetent. Some "death row" convicts have been exonerated by newly available DNA evidence. Columbia Law School has recently published a powerful report on the percentage of reversible errors in capital sentences from 1973 to 1995. Since it is altogether likely that some innocent persons have been executed, this first objection is a serious one.

Another objection observes that the death penalty often has the effect of whetting an inordinate appetite for revenge rather than satisfying an authentic zeal for justice. By giving in to a perverse spirit of vindictiveness or a morbid attraction to the gruesome, the courts contribute to the degradation of the culture, replicating the worst features of the Roman Empire in its period of decline.

Furthermore, critics say, capital punishment cheapens the value of life. By giving the impression that human beings sometimes have the right to kill, it fosters a casual attitude toward evils such as abortion, suicide, and euthanasia. This was a major point in Cardinal Bernardin's speeches and articles on what he called a "consistent ethic of life." Although this argument may have some validity, its force should not be exaggerated. Many people who are strongly pro-life on issues such as abortion support the death penalty, insisting that there is no inconsistency, since the innocent and the guilty do not have the same rights.

Finally, some hold that the death penalty is incompatible with the teaching of Jesus on forgiveness. This argument is complex at best, since the quoted sayings of Jesus have reference to forgiveness on the part of individual persons who have suffered injury. It is indeed praiseworthy for victims of crime to forgive their debtors, but such personal pardon does not absolve offenders from their obligations in justice. John Paul II points out that "reparation for evil and scandal, compensation for injury, and satisfaction for insult are conditions for forgiveness."

The relationship of the State to the criminal is not the same as that of a victim to an assailant. Governors and judges are responsible for maintaining a just public order. Their primary obligation is toward justice, but under certain conditions they may exercise clemency. In a careful discussion of this matter Pius XII concluded that the State ought not to issue pardons except when it is morally certain that the ends of punishment have been achieved. Under these conditions, requirements of public policy may warrant a partial or full remission of punishment. If clemency were granted to all convicts, the nation's prisons would be instantly emptied, but society would not be well served.

In practice, then, a delicate balance between justice and mercy must be maintained. The State's primary responsibility is for justice, although it may at times temper justice with mercy. The Church rather represents the mercy of God. Showing forth the divine forgiveness that comes from Jesus Christ, the Church is deliberately indulgent toward offenders, but it too must on occasion impose penalties. The Code of Canon Law contains an entire book devoted to crime and punishment. It would be clearly inappropriate for the Church, as a spiritual society, to execute criminals, but the State is a different type of society. It cannot be expected to act as a Church. In a predominantly Christian society, however, the State should be encouraged to lean toward mercy provided that it does not thereby violate the demands of justice.

It is sometimes asked whether a judge or executioner can impose or carry out the death penalty with love. It seems to me quite obvious that such officeholders can carry out their duty without hatred for the criminal, but rather with love, respect, and compassion. In enforcing the law, they may take comfort in believing that death is not the final evil; they may pray and hope that the convict will attain eternal life with God.

The four objections are therefore of different weight. The first of them, dealing with miscarriages of justice, is relatively strong; the second and third, dealing with vindictiveness and with the consistent ethic of life, have some probable force. The fourth objection, dealing with forgiveness, is relatively weak. But taken together, the four may suffice to tip the scale against the use of the death penalty.

The Catholic magisterium in recent years has become increasingly vocal in opposing the practice of capital punishment. Pope John Paul II in *Evangelium Vitae* declared that "as a result of steady improvements in the organization of the penal system," cases in which the execution of the offender would be

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absolutely necessary "are very rare, if not practically nonexistent." Again at St. Louis in January 1999 the Pope appealed for a consensus to end the death penalty on the ground that it was "both cruel and unnecessary." The bishops of many countries have spoken to the same effect.

The United States bishops, for their part, had already declared in their majority statement of 1980 that "in the conditions of contemporary American society, the legitimate purposes of punishment do not justify the imposition of the death penalty." Since that time they have repeatedly intervened to ask for clemency in particular cases. Like the Pope, the bishops do not rule out capital punishment altogether, but they say that it is not justifiable as practiced in the United States today.

In coming to this prudential conclusion, the magisterium is not changing the doctrine of the Church. The doctrine remains what it has been: that the State, in principle, has the right to impose the death penalty on persons convicted of very serious crimes. But the classical tradition held that the State should not exercise this right when the evil effects outweigh the good effects. Thus the principle still leaves open the question whether and when the death penalty ought to be applied. The Pope and the bishops, using their prudential judgment, have concluded that in contemporary society, at least in countries like our own, the death penalty ought not to be invoked, because, on balance, it does more harm than good. I personally support this position.

In a brief compass I have touched on numerous and complex problems. To indicate what I have tried to establish, I should like to propose, as a final summary, ten theses that encapsulate the Church's doctrine, as I understand it.

1) The purpose of punishment in secular courts is fourfold: the rehabilitation of the criminal, the protection of society from the criminal, the deterrence of other potential criminals, and retributive justice.

2) Just retribution, which seeks to establish the right order of things, should not be confused with vindictiveness, which is reprehensible.

3) Punishment may and should be administered with respect and love for the person punished.

4) The person who does evil may deserve death. According to the biblical accounts, God sometimes administers the penalty himself and sometimes directs others to do so.

5) Individuals and private groups may not take it upon themselves to inflict death as a penalty.

6) The State has the right, in principle, to inflict capital punishment in cases where there is no doubt about the gravity of the offense and the guilt of the accused.

7) The death penalty should not be imposed if the purposes of punishment can be equally well or better achieved by bloodless means, such as imprisonment.

8) The sentence of death may be improper if it has serious negative effects on society, such as miscarriages of justice, the increase of vindictiveness, or disrespect for the value of innocent human life.

9) Persons who specially represent the Church, such as clergy and religious, in view of their specific vocation, should abstain from pronouncing or executing the sentence of death.

10) Catholics, in seeking to form their judgment as to whether the death penalty is to be supported as a general policy, or in a given situation, should be attentive to the guidance of the pope and the bishops. Current Catholic teaching should be understood, as I have sought to understand it, in continuity with Scripture and tradition. FT

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In Defense of Constantine

Robert Louis Wilken

Constantine and the Bishops: The Politics of Intolerance. By H. A. Drake. *Johns Hopkins University Press. 609 pp. $68.*

The Making of a Christian Empire: Lactantius and Rome. By Elizabeth DePalma Digeser. *Cornell University Press. 199 pp. $39.95.*

The ritual pronouncement of anathemas against Constantinianism has become so commonplace that the historical Constantine (A.D. 288?-337) has slipped from our sight. Apparently it is not what Constantine himself wrought that is the object of obloquy, but the work of mischievous kings and perfidious bishops in the centuries after him. When theologians write essays with titles such as "Is Constantinianism the Most Basic Problem for Christian Social Ethics?", Constantine is not the sole villain. What provokes critics' ire is an ordering of Christian society that flourished in medieval and early modern Europe and still, it is claimed, impedes an authentic Christian witness.

After the tiresome rhetoric against Constantinianism of recent years it is particularly satisfying to take into one's hands a book on the historical Constantine, and especially one with the title *Constantine and the Bishops*, that announces, without embarrassment, in the first sentence, "This is a book about politics." Harold Drake, a historian at the University of California, Santa Barbara, writes about the way the Church came to figure in Constantine's political program and how Christian bishops became players in the "game of empire."

Drake's book, however, has a second agenda, and that is to highlight the role of "religious freedom" in Constantine's policy and to examine the struggle within Christianity in the decades after Constantine over the propriety of using the powers of the state to support Christian beliefs. Drake challenges the widespread assumption that intolerance is endemic to Christianity; his argument is buttressed by a second book, *The Making of a Christian Empire*, by Elizabeth DePalma Digeser, a student of Drake who is now professor of history at St. Norbert College in Wisconsin. Lactantius, the subject of her book, was a Latin Christian apologist and contemporary of Constantine, and Digeser argues that he was the first Western thinker to adumbrate a theory of religious freedom rooted not in notions about toleration but in the nature of religious belief. In both books, Lactantius emerges as the key figure formulating ideas that would find expression in Constantine's religious policy.

Conventional accounts of Constantine, even those written by unconventional historians such as Jacob Burckhardt, predictably address the question as to whether Constantine's conversion was sincere. The ancient sources, which means chiefly the church historian Eusebius, say that Constantine adopted the God of the Christians because he wanted, among other things, to use the power of this God to unify the empire and give him a secure and successful reign. Because Eusebius' favorable account gave a primary place to political factors in Constantine's conversion, Burckhardt presumed that his conversion was insincere. By putting "a pious veneer over such raw ambition," says Burckhardt, Eusebius was "the first thoroughly dishonest historian of antiquity."

With cool reason and uncommon good sense Drake shows that Burckhardt had missed what was most important about Constantine's age and Eusebius' account of his reign. There was no way that the emperor could deal with the politics of the Roman Empire without enlisting the authority of religion. That Euse-

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bius was not embarrassed by Constantine's political savvy about religion, that he indeed shared his view, indicates that Eusebius understood very well how things worked. Burckhardt was simply reformulating with footnotes the old critique of Catholic Christianity by the left wing of the Reformation.

In the years before Constantine took the throne, Christianity was rapidly winning the hearts and minds of millions of Roman citizens, including the most gifted thinkers. The effort of Constantine's immediate predecessors in the purple, most notably Diocletian, to impede the growth of Christianity through empire-wide persecution had failed miserably. At the beginning of the fourth century the Church was too large, its way of life and institutions too well established, its leaders too resourceful, for Christianity to be halted with the sword. The refusal of Christians to venerate the traditional gods, and hence to show honor to the emperor and fealty to the institutions of society, created a dilemma for the emperors. By forcing a choice between Rome and Christianity, the emperors badly misjudged the strength and resiliency of Christianity.

Constantine realized the shortsightedness of trying to purge the society of Christians and sought a way to make room for Christianity under the umbrella of a genial monotheism (which Christians confessed and philosophers taught). His policy, writes Drake, sought to "reconcile the imperial need for religious justification with the refusal of Christians to pay divine honors to any other deity." In granting the Church legitimacy Constantine not only diffused a tense situation, he harnessed Christian energy in service to the state.

Both Drake and Digeser believe that Lactantius provided the philosophical and theological underpinnings of Constantine's religious policy. Lactantius had met Constantine at the court in Nicomedia early in the fourth century, and later, at the onset of the persecution of Christians (burning the scriptures, destroying churches, depriving Christians of their civil rights, compelling them to sacrifice), Lactantius fled to the West to join the court of Constantine as tutor to Constantine's son Crispus. During these years he wrote a large work entitled *Divine Institutes* (the title echoing the institutes of civil law) in defense of Christianity and, according to Digeser, he read the work at court in the presence of Constantine.

Lactantius' *Institutes* deals with a grab bag of theological and moral topics, but at places in the work one can see that he had an additional agenda: he wished to deprive Roman authorities of a philosophical and legal justification for the persecution of Christians by appealing to their own ideals of toleration, which they had abandoned in this case. Lactantius moved beyond the usual apologetic gambits to offer a positive argument as to why religion of any sort cannot be coerced. Religion, says Lactantius, has to do with love of God and purity of mind, neither of which can be compelled. "Why should a god love a person who does not feel love in return?" he asks. Religion cannot be imposed on someone, it can only be promoted by "words," i.e., by persuasion, for it has to do with an interior disposition, and must be "voluntary." "Nothing," he writes, "requires freedom of the will as religion."

Though Lactantius draws on earlier Roman writers, Digeser argues that he is proposing something quite new, indeed something quite modern. His argument is not that Christianity should be tolerated because there are many ways to God and no one can know which way is correct (a conventional defense of religious toleration). Rather, Lactantius claims that coercion is inimical to the nature of religion. This is the first theological rationale for religious freedom, because it is the first rationale to be rooted in the nature of God and of devotion to God.

Drake and Digeser see the hand of Lactantius in the famous Edict of Milan, the circular letter issued by Constantine and his co-emperor Licinius in 313 that granted Christians the right to practice their religion without interference from Roman authorities. The Edict of Milan, however, is not simply a grant of toleration; it is a more radical and far-reaching solution to the problems faced by the emperors. For it grants not only to Christians but also to "all men . . . freedom to follow whatever religion each one wished." By mentioning not only Christianity (the immediate occasion for the decree) but other forms of worship, the decree set forth a policy of religious freedom, not simply the toleration of a troublesome sect. As the emperors put it, each person should be given the freedom "to give his mind to the religion which he felt was most fitting to himself," for the supreme divinity is to be served "with free mind." The Edict of Milan, says Drake, is a "landmark in the evolution of Western thought—not because it gives legal standing to Christianity, which it does, but because it is the first official government document in the Western world to recognize the freedom of belief."

What makes this argument convincing is that it is possible to compare the reasoning of Lactantius, who was active at the court of Constantine, with that of Porphyry, a philosopher at the court of the emperor Diocletian who had initiated the persecution. Porphyry, known to historians of philosophy as the disciple of the great Neoplatonist Plotinus, was the most astute and learned critic of Christianity in the first four centuries of the Church's history. But unlike earlier critics he had the emperor's ear, and provided philosophical and religious legitimation for an aggressive policy against the Christians early in the fourth century.

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Although Porphyry believed that there were many roads to the divine, and no one could claim to have found the true way, he thought the Christians were subversive. In his book dealing with Christians he asked: "How can men not be in every way impious who have apostatized from the customs of our fathers, through which every nation and city is sustained? . . . What else are they than fighters against God? What types of pardon will they be worthy of who have turned away from those recognized as gods from the earliest times?" Christians, in his view, should adjust their religious beliefs to traditional Roman practice. If not, they should be punished accordingly.

It is commonly assumed that because polytheism is not exclusive it must be tolerant. But the historical evidence will not bear this interpretation. Porphyry was the exponent of an inclusive religious outlook that held that there were many ways to God; he even attempted to find a way of integrating Christ into the pantheon of Roman gods by honoring him as a sage. But he had few takers among the Christians and he concluded that Christianity, at least in its orthodox form (because of its belief in the divinity of Christ), was harmful to Roman society. Consequently he was unwilling to grant forbearance to the Christians.

Christianity, on the other hand, is exclusive, for it claims not only that one can know the true God but that the way to God has been revealed in Christ. Hence it is often assumed that Christianity is inherently intolerant. But this confuses exclusivism with intolerance. Polytheism is not exclusive, but it can be intolerant as it was at the time of Diocletian's persecution. Christianity is exclusive, but it can be tolerant (though of course it can also be intolerant, as later history will demonstrate). In the early fourth century there is no evidence that traditional pagans found Constantine's religious policy favoring the Christians a threat to their beliefs and practices. Lactantius (and Constantine) believed all men should be granted freedom to follow whatever form of religion each wished. For this reason, Drake argues that the claim that Christianity in itself is intolerant is a modern prejudice: "The coercive Christian as normative is a modern construct—the worst sort of conceptual anachronism, one that has required every ounce of scholarly ingenuity to maintain."

By embracing Christianity, Constantine not only forged a new policy, he acquired a new constituency. One of the most attractive features of *Constantine and the Bishops* is Drake's discussion of the new role of the Church, and in particular her bishops, in the politics of empire. Priests were a familiar feature of life within the Roman Empire, but Christian bishops, the priests of the Church, were something quite new. They were organized, and thought of themselves as leaders of an alternate society, another city if you will, and they had a constituency, and a large one at that. They were not functionaries of the state, and political authorities had no say in the selection of a bishop. Unlike the traditional priests whose role was primarily cultic, the office of the bishop included oversight (the meaning of *episcopos*) and teaching (e.g., preaching) as well. Furthermore, most bishops were well educated and were expected to provide spiritual leadership and moral example. This all meant that "the emperor had to establish a working relationship with an organization over which he had no formal control whatsoever." The Church had become a force to be reckoned with in imperial life.

But the story does not end here. By the end of the fourth century Christianity was declared the official religion of the Roman Empire, and as the state granted more privileges to Christianity the Church's bishops put greater pressure on imperial officials to restrict the practice of other forms of religious belief. Drake ends his book with a discussion of the famous confrontation between Bishop Ambrose of Milan and emperor Theodosius, in which Ambrose asserted the authority of the Church over the authority of the crown in spiritual matters. By using the power of the state to promote the interests of one religious party over another, Constantine helped prepare the way for the use of the powers of the state to support Christian beliefs.

Drake realizes that the developments later in the fourth century and in the centuries to follow put into question his arguments about Constantine's policy and Lactantius' doctrine. How is one to reconcile the principles set forth by Lactantius with the actual practice of the bishops and magistrates in what had become a Christian state? In response Drake offers a useful distinction. Intolerance is a theological issue, coercion a political matter. In other words, it was not Christian theology that led, for example, to laws prohibiting pagan sacrifices, but the effort of the emperors to mandate a Christian society.

Ancient Rome was not a secular state. The empire was a religious institution headed by the emperor. In the years after Constantine's death in 337, the Christian community was growing rapidly, and many who came into the Church with little understanding of their new faith needed direction and guidance. The Church was also riven by a bitter theological controversy over the doctrine of the Trinity that set bishops against bishops and brought the mechanism of imperial power into play to maintain peace. Further, thirty years after Constantine's death, and some fifty years after the peace of the Church, Julian (known in Christian tradition as the Apostate) became emperor and launched an aggressive program to undermine Christianity, purge Christians from the schools ("How can they teach Homer if they do not believe the gods of Homer?" asked Julian),

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and drive a wedge between Christianity and the cultural life of the empire. By the end of the century, after it had survived the challenge of heresy and the threat of apostasy, the Church was seeking to consolidate its position as the empire's dominant religion.

As can be seen from this summary, the arguments of these two books move on several different levels, some of them historical, some philosophical. Drake is most successful in constructing an original interpretation of Constantine's political program in the years after the failure of Diocletian's persecution, and his discussion of the role of Christian bishops in the politics of empire is fresh and insightful. Digeser provides a careful reconstruction of the historical setting in which Lactantius wrote and of the intellectual context of his thinking about religion, and also documents the persistence of Lactantian motifs in Constantine's religious policy after he had become sole emperor in 324. Taken together Drake and Digeser set forth a persuasive argument for a reconsideration of Constantine and his religious policy as Roman emperor.

Because they deal with Constantine himself and make only passing reference to the Constantinian settlement, the authors do not address the topic of Constantinianism, at least not explicitly. Yet they do set one's thoughts moving in that direction, for if it is possible to rescue Constantine from his critics, it may also be possible to free Constantinianism from the hands of the anti-Constantinians.

Constantinianism, as it has been understood by thinkers such as John Howard Yoder, refers to an accommodation between the churches and political authority in which the churches "identify themselves with the power structures of their respective societies instead of seeing their duty as calling these powers to modesty and resisting their recurrent rebellion." The great temptation of Constantinianism is to see the "true meaning of history" in the world and not in the Church. As Yoder describes Constantinianism, it holds that the world is already "by itself" on the way to achieving the "fullness of salvation," and the Church is to be but an instrument to aid it on its way.

It is noteworthy, however, that during the reign of Constantine and in the "Constantinian settlement" of the following centuries, it was the society that accommodated the Church, socially as well as religiously, not the other way around. The Constantinian revolution created space for Christianity to shape the new society that was being constructed; the distinctive organization of the Church, the "working ecclesiology" if you will, allowed the Christian community to seize this opportunity and manage its success. The bishops were flexible and versatile, at once bearers of continuity from generation to generation as well as signs of unity for a community spread across the empire and beyond. Unlike the older religious institutions of the empire, the Church thought of itself as a single corporate body with a common identity (exemplified in the extensive correspondence of leading bishops with one another). As the Church struggled to deal with the new realities of power, it put forward a new idea of community within society and the result was a great flowering of Christian expression in art, architecture, poetry, theology, philosophy, and spiritual literature, the first golden age in Christian culture.

The most visible example of this, as I have already noted, is the new role of the bishop, but Drake also shows that the martyrs (whose numbers had swelled with the persecution under Diocletian, and whose memory was celebrated in the Church's worship) helped to keep the Christian community from losing its distinctive identity and being absorbed by the culture.

It is also evident that the public life of the society was being transformed by the recognition given to Christianity. Constantine introduced laws that made Sunday a day of rest, thereby introducing a new calendar and reordering the life of society to make space for Christian worship. He issued laws that discouraged the exposure of infants by indigent parents and declared that the public fisc should provide food and clothing to rear abandoned children. The emperor built churches, not only in the new Christian city of Constantinople and the old capital Rome, but all across the empire (in Jerusalem and Bethlehem, for example). As these new buildings displaced the temples (built by former emperors) the city plans began to reflect the new faith. The most prominent public building was the church, and to this day one finds a church on the central public square of most European cities.

None of this was imposed. Rather, it followed naturally as the number of Christians mounted across the empire. The transformation that took place within the empire would be replicated again and again as Christianity spread beyond Rome's boundaries into northern Europe, among the Franks and the Germans, the British and the Irish, the Scandinavians and the Poles, the Lithuanians and the Bulgars, the Ukrainians and the Russians, into Asia among the Armenians and Georgians, and into Africa among the Nubians and Ethiopians. For all these peoples conversion to Christianity meant a change of public practice in law, in architecture, in calendar, in marriage customs, in political institutions, in social mores, in burial practices, and much more. Christianity is a culture-forming religion.

There were, to be sure, unholy tradeoffs, and as Christian societies took form, kings and princes sought to manage the affairs of the Church and to use her spiritual authority to serve their ends. But even

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when the Church and the society were one and the king was considered head of the Christian people, the Church retained its distinctive identity. One of the major themes of medieval history is the effort of bishops and popes to assert the unique vocation of the Church over against that of the temporal powers. The king, unlike the bishop, could not claim apostolic authority. It was the bishops and pope who constituted the Church. At the same time the Christian king had a role, indeed duty, in the new Christian society. The truth is that some form of Constantinianism is an inescapable consequence of the Church's success. Because Christians confess one God who is creator of everything that is, as their numbers increase they will inevitably strive to transform all of life and society. The Church must say yea as well as nay to the world.

A classic example is Gregory the Great's advice to his missionaries in England early in the seventh century. Gregory was asked what was to be done with the temples to idols when a people converted to Christianity. Some had advocated destroying the temples and building churches at other locations. Gregory advised that the temples be left standing. "Take holy water and sprinkle it on these shrines, build altars and place relics in them." The people, he said, would be more ready to come to places they are familiar with and in them to "worship the true God." In the same way, one should not banish the sacrificing of animals. Better to continue having a feast of roasted meat, not as an offering to idols but as "food to the praise of God."

The true hero of this eventful tale is Lactantius, whose discussion of religion lays bare the spiritual roots of Western notions of religious liberty. For he saw that religious freedom rests on a quite different philosophical foundation than toleration of religion. It is not far-fetched to say that Lactantius' view of religious freedom is echoed in James Madison's defense of the free exercise of religion after the 1771 flogging of Separate Baptists in Madison's home of Orange County, Virginia. A few years later, in 1776, when the leaders of the revolution in Virginia were working on a "Declaration of Rights" for the new commonwealth, Madison quietly replaced the term "toleration" with "the full and free exercise of religion." And in his *Memorial and Remonstrance* of 1785, written to protest the bill before the Virginia legislature "Establishing a Provision for Teachers of the Christian Religion," he argued that "religion is the duty we owe to our Creator. . . . It is the duty of every man to render the Creator such homage, and such only, as he believes to be acceptable to him [the Edict of Milan has, "freedom to follow whatever religion each one wished"]. This duty is precedent, both in order of time and degree of obligation, to the claims of civil society. Before any man can be considered as a member of civil society, he must be considered as a subject of the Governor of the Universe." Religion could not be compelled, it had to be voluntary, and its practice free of the dictates of political authorities. Like Lactantius many centuries earlier, James Madison had a religious understanding of religious freedom.

It is unlikely that Madison read Lactantius, though he was theologically well informed, but Lactantius' insight, which is really an insight drawn from biblical religion, is confirmed by other Christian thinkers in antiquity and in the Middle Ages. When Gregory the Great learned that some Jews in Gaul had been baptized against their will, he wrote to the Bishop of Marseilles that people should be brought to baptism only by persuasion, not "by compulsion." And Thomas Aquinas held that faith is by its nature a free act of the will, so that if someone does not come to faith freely and voluntarily, the act of faith is not genuine.

But to come closer to our own time, it is instructive to read the Declaration on Religious Liberty from Vatican II. There the key passage reads: "One of the chief Catholic teachings, found in the word of God and repeatedly preached by the Fathers of the Church, is that the response of people to God in faith should be voluntary; so no one must be forced to embrace the faith against his own will. Indeed by its very nature the act of faith is a free act. . . . It is therefore completely in accord with the nature of faith that in matters of religion every manner of coercion on the part of men should be excluded." Though the decree's defense of religious liberty is well known, what is seldom recognized is that the language in this passage is drawn almost directly from Lactantius. In the accompanying note that provides references to early Christian and medieval writers the first author to be cited is none other than Lactantius.

Whether Lactantius was the primary influence shaping Constantine's religious policy will be debated by historians of the emperor's reign, and how influential Lactantius' *Divine Institutes* was on the formation of Christian ideas of religious freedom (he was after all a minor figure) is a matter for historians of Christian thought to negotiate. Nevertheless, it cannot be doubted that Lactantius saw something that none of his contemporaries discerned, and that he did so as a Christian thinker. FT

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Books In Review

Good Intentions

By Nature Equal. By John E. Coons and Patrick M. Brennan. *Princeton University Press. 362 pp. $39.50.*

***Reviewed by* Robert T. Miller**

By Nature Equal is a bold and original book. Both authors are law professors—Coons at Boalt Hall at Berkeley, Brennan at Arizona State University—but their book has little to do with the law. Instead it ranges widely over moral philosophy, the history of ideas, and Christian theology, with passing glances at topics as diverse as scholastic metaphysics, the sociology of academia, the idea of progress, and the possibilities for world government.

The central question is that of human equality understood descriptively. That is, the authors are inquiring into the sense in which human beings can truly be said to be, in fact, equal. They distinguish this inquiry from the more familiar normative one concerning the ways in which governments are obligated to treat individuals equally. Everyone who agrees with Coons and Brennan about the tediousness and sterility of the literature on the latter issue will applaud their decision to strike out into undiscovered country.

The analysis begins with the logic of relations. If one thing is said to be equal to another, this is because the two things are related to each other in a particular way, the relation arising from the fact that they have some underlying property in common. We might say, for instance, that Socrates and Plato are equal in that both were Athenian citizens. Some properties underlying equalities, however, can be had in degrees, while others cannot. The property of being an Athenian citizen, for example, does not admit of degrees, whereas the property of intelligence does. If two things have the former kind of property in common, Coons and Brennan say that they are related by a single equality; if they have the latter kind of property in common, and, in addition, have that property to the same degree (e.g., Socrates and Plato are not only intelligent but equally intelligent), then the authors say that they are related by a double equality. Since "common possession [of a property] in itself is an unimportant connection between two beings," single equalities are "generally of little importance, and most, indeed, are trivial." Since human equality is undeniably important, Coons and Brennan think it must be a double equality.

This is a dubious move, for importance is always relative to the purpose at hand: in distributing Purple Hearts, what counts is that each recipient was wounded, whether seriously or otherwise, but in apportioning medical care, what counts is how seriously each was wounded. The authors conclude perhaps too quickly that human equality must be a double equality, not a single one.

Coons and Brennan next set out in search of the property underlying that equality. Relying on their sense of what ordinary people implicitly believe about equality, they intend their account to be just an elaborated version of a concept already present in the common understanding. They argue that "human equality is the relation arising from the uniform capacity of rational persons to perfect themselves morally by committing to the search for the real lateral good." That is, the authors believe in an objective moral order that determines how human beings ought to treat one another (they call this the real lateral good), and they think that all human beings with some minimal intellectual capacity are equally able both to form honest—though perhaps wildly erroneous—judgments about what this order requires and to intend to act on these judgments, though with no assurance of outward success.

There are three key points here. First, Coons and Brennan's moral philosophy is emphatically one of good intentions: what counts morally is that, after diligently inquiring what the objective moral order entails, the agent intends what he honestly thinks that order requires of him; it is morally irrelevant that he might be mistaken as to what the moral order really requires. The authors thus reject the view, shared by philosophers as unlike as Aquinas and Hume, that there are some moral truths that all human beings with normal mental faculties are responsible for knowing. Second, any action undertaken with a good intention is morally perfecting: it makes the agent a better person, even if, objectively, it works incalculable harm to others. The authors are remarkably consistent on this point: "Given certain bizarre psychological assumptions, Hitler might be the moral equivalent (or even superior) of Mother Teresa."

Taken together, these two points imply the third: a person's moral worth is completely independent of his knowledge of the objective moral quality of any particular kinds of behavior. The only knowledge needed to advance in moral perfection is the understanding that there exists a real order of obligations within which one must in good faith seek to treat others correctly. The authors deride as "gnosticism" any moral system that makes an agent's moral worth depend on his knowledge of the rightness or wrongness of specific kinds of actions.

For Coons and Brennan, human equality requires a theory such as

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theirs because, if the agent's moral worth as a person in any way depended on his actions actually conforming to the objective order (and not just to the agent's perhaps wildly mistaken understanding of that order), then human beings would not have an equal opportunity for moral perfection because factors like inherent intellectual ability, education, environment, and luck would give some human beings greater possibilities for moral perfection than others. In particular, any gnostic theory is incompatible with human equality.

COONS AND BRENNAN advert to most of the obvious objections to their position, but some of their responses could be more complete. For instance, as the authors are well aware, making human equality dependent on a person's capacity for moral perfection excludes from equality all those who, through illness or injury, have lost the use of reason, even though they are "beings who are obviously human." The authors justify the exclusion by saying that if all human beings enjoyed human equality, equality would lose "the moral dimension commonly ascribed" to it, and "the popular recognition of equality's importance [would become] quite unintelligible, shrinking the concept to a single equality based on a property that could not vary—the property of birth to human parents."

Here Coons and Brennan are again making the dubious assumption that all single equalities are unimportant. When we learn later that persons have value principally as free moral agents able to answer the call of conscience and that "dignity arises essentially from . . . the relation of human equality," the problem ramifies. The authors aver that "incurably nonrational humans," while not having dignity, deserve "respectful treatment" and "do not slip into the status of animals and would deserve protection on religious or other grounds." But what these grounds are, they do not say, and they disclaim any intention of providing such an account in the present book. The cumulative effect—obviously unintentional on the part of the authors—is to imply an invidious distinction between persons and mere human animals, much like that drawn by some apologists for abortion.

Weakness of the will provides another possible problem for the authors' view. For it seems clear that people have differing capacities to resist their impulses, overcome temptations, and stick to their good resolutions. A recovering alcoholic and a teetotaler do not have equal capacities to resist the liquid demon; some of us are tempted like St. Anthony in the desert, while others are but lightly tempted. So it would seem that human beings do not after all have a uniform capacity to choose the perceived good, a result that by the argument of Coons and Brennan implies that people are not actually equal. The authors could argue, perhaps, that while alcoholics and teetotalers have differing capacities to resist the desire to drink, on the whole their various weaknesses balance out, but this is implausible. Curiously, the authors mention weakness of the will in a footnote but do not think it relevant to their notion of equality.

IN THE SECOND half of the book, Coons and Brennan ask which of the major Western philosophers and Christian theologians can consistently believe in the notion of human equality they have elaborated. The authors think that most philosophers and theologians have been infected with gnosticism in various forms, and they see themselves as following Kant in vindicating the beliefs of common people against intellectual elites. It turns out that the foes of equality greatly outnumber its friends. Virtually alone among Western philosophers, Kant and Bernard Lonergan can consistently believe in human equality, while theologians do only slightly better. Here, the authors think that a Christian theology is consistent with equality only if both God and the individual soul have meaningful active roles to play in salvation—God through His grace, the soul through free will responding to that grace. As the authors apply this standard, only Alphonsus Liguori, John Henry Newman, John Courtney Murray, Karl Rahner, and the fathers of the Second Vatican Council pass the test; Augustine, Aquinas, Luther, Calvin, Barth, Thielicke, perhaps Pope John Paul II, and a host of others fail.

Getting the views of all these thinkers right is a vast scholarly project, of course, and it takes the authors outside their usual areas of expertise. In treating some thinkers, they sometimes rely heavily on secondary sources, and there are some

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inevitable errors. For instance, the authors dispose of an inconvenient passage in Aquinas' *Quodlibetal* 3 by saying it is an early work that was later repudiated; but most scholars agree it was written in Lent of 1270, which makes it quite late in Aquinas' career. Specialists will find fault on several other particular points.

Some of the errors, however, are more substantive. I take just one, the authors' treatment of Aquinas on predestination. Here, according to the authors, the freedom with which Thomas credits man is insufficient to sustain human equality because "from eternity God has chosen some to receive His grace and to be brought thereby to heavenly glory. These are the elect, whom God has predestinated," while "those whom God has not elected and predestinated, by contrast, fall into reprobation." Hence, "when man does good, it is through God's active agency; when man authors evil, it is in his own name." In other words, as the authors see it, Aquinas left no room for man's free will in the economy of salvation; there's little difference between Aquinas and Calvin. Later the authors admit that they "do not understand how Aquinas' account of freedom . . . can be reconciled with his deterministic conclusions . . . regarding the manner of our salvation."

And it can't be, because Coons and Brennan have misunderstood Aquinas on predestination. There are many subtleties here, the chief being that Aquinas is concerned with showing that nothing man does causes anything in God (e.g., His bestowing of grace), not that nothing man does has any causal relation to his own salvation. But the overarching problem is that Coons and Brennan, understandably but mistakenly, concentrate almost entirely on Aquinas' treatment of predestination in the First Part of the *Summa Theologiae*, which does not directly address the issue in which they are interested. In the *Summa Contra Gentiles* III, 159, by contrast, Aquinas is explicit: although a man may neither merit grace nor call it forth from God by an act of his free choice, nevertheless God offers grace to all men without exception, and it is within the scope of man's free choice to accept it or reject it; only those who freely choose to reject grace do not receive it. Less excusably, the authors cite Aquinas' commentary on the Gospel of John as supporting their reading of Aquinas, when in fact the very sections they cite repeat the analysis from the *Summa Contra Gentiles* at great length and even apply it to the gentiles who lived before the coming of Christ.

But these errors and omissions notwithstanding, *By Nature Equal* is a daring and provocative book. In turning their attention to descriptive equality, Coons and Brennan provide a cleansing tonic to the interminable and vapid academic discussions of political egalitarianism. More importantly, in descriptive equality they have found and begun to explore a neglected and philosophically interesting concept. Their conclusions will not satisfy everyone, but the book will be a starting point for any who subsequently consider these issues. The historical sections are an earnest attempt by nonspecialists to trace a philosophically important idea through centuries of philosophical debate and, despite some wrong turns, represent a great intellectual effort.

Even apart from issues of human equality, the book neatly focuses attention on a nice and neglected philosophical question, namely, whether those who do evil by honestly misunderstanding the moral order should be reckoned on a par with those who, equally honestly, do good. A book of philosophy that merely asks an important and neglected question

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succeeds. By working out a serious answer, Coons and Brennan have done even more.

The Other Side of the Renaissance

THE WANING OF THE RENAISSANCE, CA. 1550-1640. By WILLIAM J. BOUWSMA. *Yale University Press. 266 pp. $22.95.*

Reviewed by **Robert Royal**

IN THE USUAL historiography, the development of the West, like Caesar's Gaul, is divided into three parts. The Greeks and their successors in Rome lie at the beginning of everything; the Middle Ages include the decline of the classical heritage, a cultural Dark Ages, and a brief period of modest cultural expansion; and the Renaissance, as its name implies, is a rebirth of ancient glory and the start of the modern world. These divisions were first suggested by the great Renaissance figures themselves and were variously appropriated by a host of modern writers who, in one fashion or another, regarded the modern world as originating in the Renaissance.

But this schematic outline is problematic. Obviously, ancient Israel and its offshoot Christendom had a great deal to do with the rise of many characteristically Western ideas and institutions. What Gibbon portrayed as just one more of the oriental influences corrupting Roman virtue might be read as an answer to crises in classical civilization. Scholarship over the last few decades has painted a brighter picture of the years formerly thought to constitute the Dark Ages, and we have seen a series of writers from the neo-scholastics to Christopher Dawson to Peter Brown who have made it impossible to think of the long period between the ancient world and the Renaissance as a mere interlude.

William J. Bouwsma, a professor emeritus of history at Berkeley, adds another twist to the recalibration of the Western story. He argues that Whiggish notions (which he once accepted himself) of cultural history as moving more or less progressively from the Renaissance to the present overlook an inconvenient fact. Initially setting out to study the climax of the Renaissance, he came to believe

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that, like other periods, that climax also presaged a waning and an end. Indeed, he makes a very powerful and well-documented case that the very liberation from earlier notions which constituted the Renaissance induced a widespread doubt and anxiety, leading to a reaction by some of the most celebrated late-Renaissance figures such as Montaigne, Shakespeare, Richard Hooker, Descartes, and Cervantes. His title's deliberate echoing of Huizinga's classic *The Waning of the Middle Ages* is not unjustified. This book deeply changes the way we look at both the Renaissance and our relationship to it.

Though this volume is one of a series in the Yale Intellectual History of the West, Bouwsma calls it a cultural rather than an intellectual history. The latter term, he argues, is "not historically neutral," and privileges ideas and intellectuals. The Renaissance was one of the great Western periods of transition, and change "is varied, complex, multi-directional, and even contradictory." Jacob Burckhardt's *Civilization of the Renaissance in Italy* is often taken as the source of our belief that we are the direct heirs of that period. Bouwsma reminds us early on that the patrician Swiss scholar most definitely did not admire the modern world. That often overlooked fact already introduces some doubt about the usual progressive history.

Bouwsma takes pains to give us a proper understanding of the early Renaissance background to his subject. Despite growing national identities and the rise of the nation-state in the sixteenth century, Europe still possessed a common culture. Even the Protestant Reformation and scientific developments, both of which led to great changes, did not result in the clear-cut differences that are often presented in standard histories. The use of vernacular languages and printing, for example, was common in both Protestant circles and in what Bouwsma terms the Catholic Reformation. Universities continued to attract scholars and students from all nations, whatever their allegiances; at Catholic Padua, for example, thousands of German Protestants took degrees, though the Vatican was not delighted about it. In short, neither political nor religious differences broke up the "international Republic of Letters."

That republic flourished in the sixteenth century, but its very successes caused a counterreaction. Bouwsma demonstrates this thesis by citing some of the great late-Renaissance

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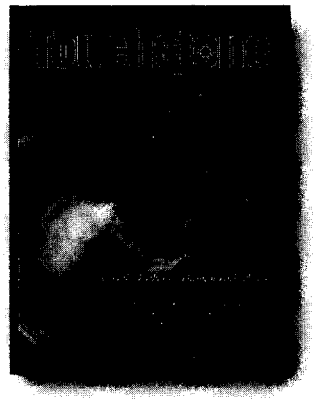

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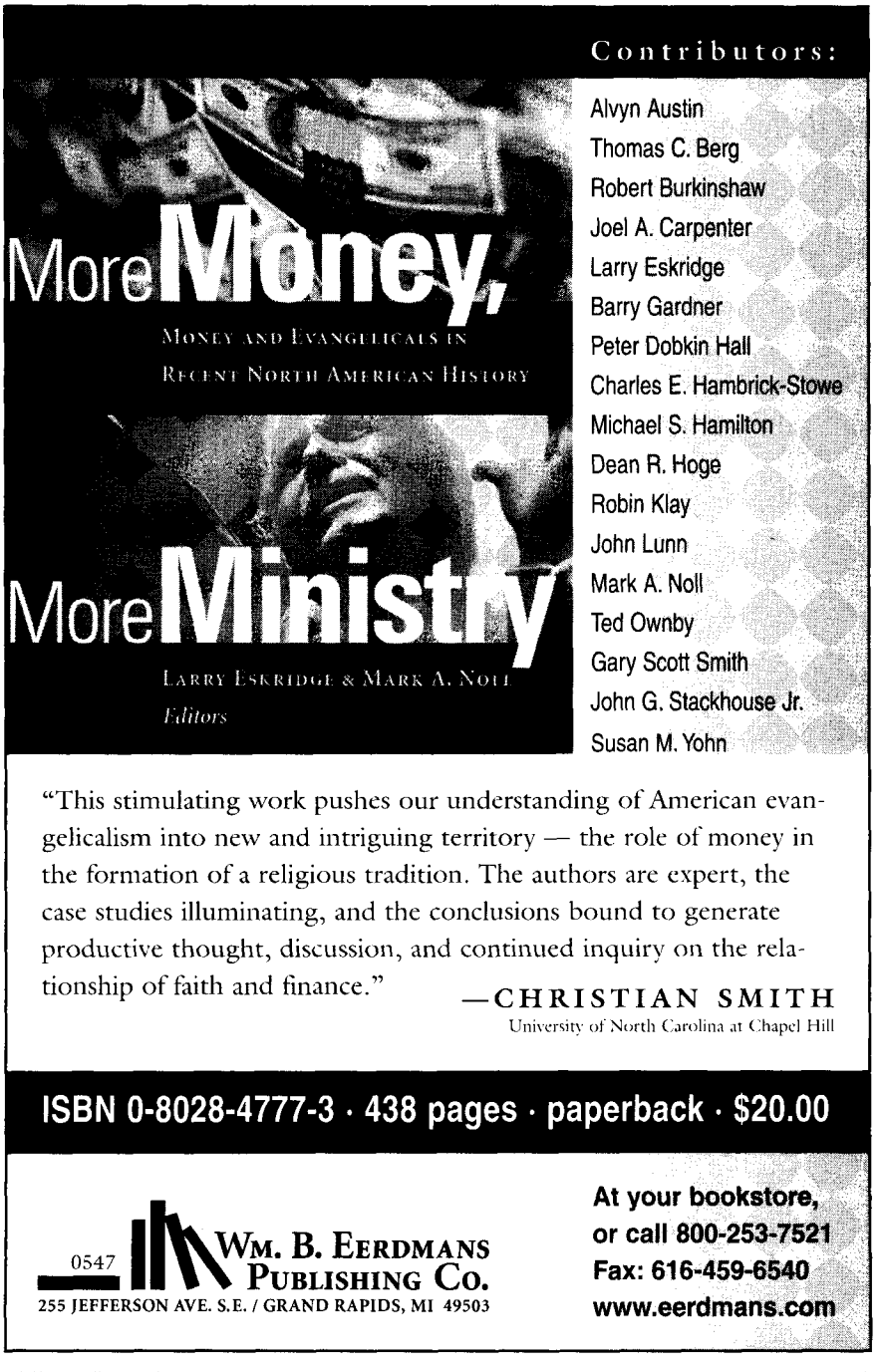
figures twice—in the first part of the book as proponents of the new ways, and in the second part as examples of a growing reaction against them. The citations are copious: if there is any criticism to be made of this otherwise impeccable work, it is that the sheer number of quotations is overwhelming. Also, apparently in the interest of readability, Bouwsma does not give full references for quotations in the notes, which are relatively few. This makes it difficult to go to the originals of some quite enticing passages to appraise them in their full context.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THE NEW WAYS initially were regarded as several kinds of liberations, beginning with a recasting of ideas about the human person. There had always been an element of Augustinianism in the West since Augustine himself, but it broke out in greater force during the Renaissance for several reasons. The passing of the old Ptolemaic cosmology and of notions such as eternal ideas or archetypes weakened belief in hierarchy, including, argues Bouwsma, the hierarchy that put human reason above other features of human nature. Earlier, Augustine's *Confessions* had not been much valued; now it became a guide to an age that embraced notions of individuality and direct contact with God. Figures as different and distant in time as Luther and Pascal shared that perspective. Indeed, reason—and even the senses—were often seen as untrustworthy and self-deceiving; such unity of the human person as existed was found in the heart.

Other changes accompanied this shift in the conception of human nature. Epistemology, the study of how we attain sure knowledge, took on a much higher profile, primarily because knowledge became much more complex. Authorities, whether Christian or pagan, were much less highly regarded than previously. Disputes as well as outright war between Catholics and Protestants led to a new generation of Christian skeptics on both sides. For some figures, it was a short step from skepticism to relativism. One result of the shaking of the larger intellectual vistas was that ordinary life received much more attention. Montaigne, representative of the whole phenomenon in one dimension of his thinking, downplayed speculation even in the sciences (which seemed to him as divided as theology and philosophy over contradictory theories) and argued that the true object of knowledge was how to live and die well.

The new cultural energy also led to a new sense of time and value. News-

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papers began in the sixteenth century and the notion of "news" in the modern sense appeared for the first time. Renaissance interest in the classical world notwithstanding, many people began to feel that the ancients could be superseded by the moderns. Francis Bacon, for example, argued that because the modern world had inherited so much and discovered new things, it was actually older than the ancient world. The Venetian critic of the Council of Trent Paolo Sarpi attacked the naive attempt to replace the existing church with an allegedly pure primitive church—in several ways a parallel to doubts about the higher virtues of the ancient pagans.

Along with this liberation of time, Bouwsma argues, there occurred a liberation of space. The voyages of discovery brought European hubris and expansionism, but also greater humility as the achievements of other civilizations became known. The newly discovered cosmos and world, however, disoriented as much as they enlarged the mind. Biblical interpretation and theology until then had been very much tied to ancient and medieval views of nature. Galileo tried to bring order to the new moment by arguing that the Bible showed us how to go to heaven, not how the heavens go.

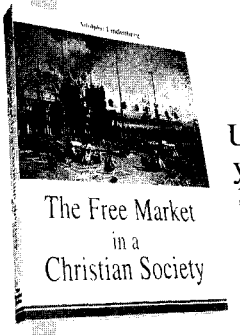
The new notions of time and space affected Renaissance politics and religion, though Bouwsma points out that a figure like Machiavelli shows how new ideas about society were emerging even before science and exploration had shaken the old hierarchies. Hobbes, of course, saw nothing but amorality in nature—hardly a basis for political order. Even Catholics like Francisco Vitoria, Francisco Suárez, and Robert Bellarmine began to think the unity and hierarchy of the Holy Roman Empire of only limited scope. Bouwsma usefully complexifies the often simplistic portrayals of the differences between Catholic and Protestants, noting that there were various schools within both large groupings. Catholics came in antipapal and papal varieties; Protestants squabbled over questions of free will and reached opposite conclusions, as Calvinism and Arminianism showed.

Just as the idea of progress was beginning to emerge in the later sixteenth century, however, anxiety and doubt began to grow. The new culture had created a freedom that led to anxiety because it had "eroded traditional patterns of order that were equally necessary." In this view, freedom and anxiety were "two aspects of the same mentality." The mood known as melancholy, which Robert Burton defined as "fear and sorrow without a cause," also became common in various circles. Theater flourished for several reasons, not least because it created temporary community among spectators, but also because it suggested the "possibility of a moral order governing the chaos of ordinary experience." Theater also reflected worries about identity that had not existed earlier; the expansion of possibilities seemed to fragment individual unity. All these negative emotions helped bring about the slow turn to a renewed culture of order.

Bouwsma devotes the second half of his book to that countertendency. In his telling, appeals to nature, reason, and the literal sense of Scripture—which had never entirely disappeared, of course—began to increase. Philosophy began to revive in both Catholic and Protestant circles. (Figures as different as Giordano Bruno, Tommaso Campanella, and Cotton Mather regarded themselves as Thomists.) Descartes, Bacon, and Hobbes, in their various ways, are "unusually anxious," says Bouwsma, which is one of the driving forces behind their search for new certainties. The term "civilization" was coined about this time and clearly suggests the belief that proper habits and education might do the work of philosophy in restoring social order among the common people. The confidence and expansiveness of the early Renaissance had led to an incoherence that became unendurable.

Montaigne, for example, is often regarded by modern scholars as a

The Free Market in a Christian Society



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skeptic and a man of large views. Bouwsma cites many passages where that side of Montaigne is certainly in evidence. But Montaigne's doubts about various theories and the human mind itself ("an erratic, dangerous, and heedless tool") could also lead him to support for settled arrangements in which he sounds at times like Edmund Burke:

> It is very easy to engender in a people a contempt for their ancient observances; never did a man undertake that without succeeding. But as for establishing a better state in place of the one they have ruined, many of those who have attempted it have achieved nothing for their pains.

Even Montaigne's religious beliefs inclined towards the settled and tried as a remedy for endless experiments: "I accept other people's choices, and stay in the position where God put me. Otherwise I could not keep myself from rolling about incessantly."

Though the Council of Trent (1545-1563) is often cited as the high point of the Catholic Counter-Reformation, Bouwsma points out that Protestants felt a similar need for self-definition after the experimentation of the early sixteenth century. Lutherans approved the Formula of Concord in 1577 and the Reformed met in the Synod of Dort in 1619. Most ecclesial groups emphasized creeds as a way to evaluate orthodoxy or the lack thereof. A similar return to principles may be detected in the arts, where the three unities in drama and classical models replaced a more freewheeling spirit. Bouwsma concludes, "The general impression this period presents is one of tension between the fundamental needs of both freedom and order."

SOME READERS may be tempted into thinking that Bouwsma has projected back onto the late Renaissance our contemporary feeling of dislocation and anxiety. In a few instances, such as when he characterizes Renaissance skepticism as in part a denial that language can be anything more than arbitrary or can correspond to reality, there is a whiff of anachronism. But the fact that it is only a whiff and that such instances are rare is one measure of his overall achievement. That our worries make us sensitive to similar feelings five hundred years ago is, in Bouwsma's capable hands, a useful and enlightening corrective to the usual overly rosy picture of the Renaissance.

And the tale he tells has another moral for us. The waning and end of the Renaissance produced the Enlightenment, an age with which we really were in a direct line of descent until recently. Our time may parallel the late Renaissance in that the liberations of the last century and the bloody attempts at order in reaction to them may indicate that we, too, are headed for a new synthesis of those two perennial human needs, freedom and order. It has happened before.

Seeds of the Church

THE CATHOLIC MARTYRS OF THE TWENTIETH CENTURY: A COMPREHENSIVE WORLD HISTORY. By ROBERT ROYAL. *Crossroad. 430 pp. $39.95.*

***Reviewed by* Alicia Mosier**

IN THE BEST that has been thought and said about the twentieth century, its Christian martyrs have hardly been mentioned. This should come as no surprise. From our vantage point at the beginning of a new millennium, it seems a little far-fetched that someone would be killed because he is Christian, at least in our society. (Since when have Christians

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been a serious threat to anyone?) In the usual histories about the usual suspects, the people of faith whom the twentieth-century revolutions killed are generally ignored. And in a culture that tells us religion is a private matter, the very public witness of martyrdom can be somewhat embarrassing. Add to this the often saccharine depiction of martyrs in Christian art and legend, and one has a situation in which martyrdom is seen as a pious, quaint idea from an earlier age. But today in countries all over the world Christians are still dying for their faith. At the end of the bloodiest era in human history, in which the very belief that was meant to be exterminated turned out to be far more durable than its enemies, martyrdom is more than ever a sign of contradiction.

It is estimated that two-thirds of all the martyrs in Christian history died in the twentieth century. Of that century's millions of witnesses to the faith (precise numbers are not yet known, and perhaps never will be), we are really familiar with only a few—Maximilian Kolbe, Charles de Foucauld, Miguel Agustín Pro—and even those are hardly known outside Catholic circles. The rest have languished almost entirely unknown, whether because the records of their lives have been lost, because the countries in which they died have been literally inaccessible, or because the governments under which they were persecuted have been less than cooperative with attempts to make known the circumstances of their deaths. It is no exaggeration to say that we will not know the full history of the twentieth century until we know the stories of its martyrs.

In his 1994 apostolic letter *Tertio Millennio Adveniente*, Pope John Paul II urged the faithful, both in local churches and at the highest levels of the hierarchy, to make a serious effort to recover those stories. The Jubilee Year 2000, he wrote, marked the end of a millennium in which, as in its first centuries, "the Church has once again become a Church of martyrs." In conjunction with the Jubilee, the Pope established a Commission on New Martyrs, which for the last five years has been collecting testimonies from around the world. Last winter, the Commission published a catalogue containing the names of more than thirteen thousand Catholic, Orthodox, and Protestant witnesses of the faith, and the project continues.

In *The Catholic Martyrs of the Twentieth Century*, Robert Royal begins the work of disseminating to a general audience the information that has begun to be gathered. Royal, president of the Faith and Reason Institute, describes this book as "a comprehensive world history" of twentieth-century martyrs. It can certainly be said to cover the world—from Mexico to Albania, from Korea to Ukraine, from the African slaughterhouse to the Spanish Civil War, and many places in between. The names—Slipyi, Jägerstätter, Zanelli, Sudunaite, Ford, Kiggundu, Van—come tumbling off the page in a rush of languages, and the long lists of those who have names but little in the way of documented stories reveal how staggeringly many these witnesses really are.

Most are not martyrs in the strictly canonical sense. Given the sheer numbers of Christian dead and the number of ways they were killed, it is difficult to determine whether they fit the canonical criteria of dying *in odium fidei* (at the hands of enemies of the faith) or for refusing to apostatize under specific pressure to do so. Instead, they are known as "new martyrs," Christians who have suffered for their faith not necessarily as individuals but rather in whole groups, whole communities, whole genera-

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tions of believers. Some of the stories Royal tells—of Kolbe and of Edith Stein, for instance—are familiar in their general outlines, but many have never been heard before. It is hard to imagine them told with a more sobering clarity.

Simone Weil once wrote that while imaginary evil is romantic and exciting, real evil is "gloomy, monotonous, barren, boring." Hannah Arendt called it banal. For all the perverse ingenuity of their methods of destruction, there is a terrifying sameness to the regimes Royal describes; indeed, he warns that "it is just as difficult to retain a sense of the realities behind these repetitive litanies of horror as it is to see real human beings behind pious descriptions."

This book does not shrink from those realities. Page after page recounts interrogations, torture, brainwashing, deception, and killing sprees—all aimed at wiping out faith in anything other than the State, and especially faith in a God who transcended the State. On July 24, 1936, near the start of the Spanish Civil War, Republican militiamen in Madrid shot three Carmelite nuns in the middle of a street. "One died instantly," Royal writes, "another was at first refused transport to a hospital by a bus driver who wanted to 'finish her off,' a third wandered around dazed until another band of militiamen executed her." By July 31, in Madrid and Barcelona alone, 321 priests had been murdered. Between 1950 and 1953 in Communist North Korea, "50 percent of the hierarchy, one-third of the clergy, and at least fifteen thousand lay persons perished"; many more died in the notorious Death March to the Yalu River.

Hundreds of thousands of Catholics were murdered in Mexico from the 1920s on. Priests, nuns, and lay people were tortured in Soviet labor camps and in Nazi-occupied Poland. Sadistic brainwashing techniques were developed against Romanian Catholics, who nonetheless kept attending Mass at a rate of almost 80 percent. "Accidents" befell priests in Lithuania. "Reeducation centers" were established by the North Vietnamese. Missionaries in Angola and the Trappist monks at Tibhirine were murdered for their faith. In Albania, Catholics—the only religious group that refused to cede power to that Communist state (though they were later forced to sign an agreement in which they submitted to state control)—were tortured, their bishops "forced to clean the streets and public

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bathrooms wearing clown outfits with paper signs across their chests saying, 'I have sinned against the people.'" In 1967 the Albanian government outlawed religion altogether, and declared the traditional family to be "reactionary." Over two thousand religious buildings were closed or destroyed, and almost all the clergy were imprisoned. Pope John Paul II has said that "history has never seen before what happened in Albania." Under Soviet rule, the Ukrainian Catholic Church was "the largest suppressed group of believers in the world."

The stories are overwhelming, all the more so because they all tell the same tale. In every part of the world, throughout the twentieth century, Christians were being slaughtered on the altar of the atheist state. This book is as much a history of godless political power as it is a remembrance of God-fearing witnesses. Organized religion was a primary target of every one of the twentieth century's regimes of terror. But as is evident in Nazi and Communist terrors alike, organized irreligion (to put it in Royal's sharp formulation) has proved far more dangerous than organized religion ever was.

The importance of this study in exposing how totalitarian regimes actually conducted their purges of religion cannot be overestimated. But its importance is not only political.

In his many exhortations on the subject, John Paul II has emphasized that more than anything else the martyrs are a sign of unity in Christ. In a homily during the Ecumenical Commemoration of the Twentieth-Century Witnesses of the Faith, held at the Roman Colosseum last spring, the Pope said that "the precious heritage that these courageous witnesses have passed down to us is a patrimony shared by all the churches and ecclesial communities. It is a heritage that speaks more powerfully than all the causes of division. The ecumenism of the martyrs and of the witnesses to the faith is the most convincing of all; to the Christians of the twentieth century it shows the path to unity." In the passion of the martyrs all Christians can see the universal Christian vocation, the call to love the Lord they met in baptism even unto death. As Royal puts it, "Martyrdom is in a deep sense the paradigm for the Christian life."

Because there are so few testaments to Christian unity as powerful as martyrdom, a question might be raised about the almost exclusively Catholic focus of Royal's book, especially since the catalogue from the Commission on New Martyrs (from which some of his research derives) did include Protestant and Orthodox witnesses to the faith. In Royal's defense, it can be said that, according to most estimates, more of the twentieth-century martyrs were Catholic than were Protestant or Orthodox. Moreover, in many of the places where persecution has been most vicious the Catholic Church has been the most visible presence of Christianity. Wherever Catholics were present, they were a stubbornly conspicuous sign of that which was to be stamped out. Royal mentions in brief such Protestant and Orthodox martyrs as Dietrich Bonhoeffer and Russian Patriarch Tikhon. But if his book were to be truly comprehensive it would have to take much more fully into account the witness of those described in, for instance, Solzhenitsyn's *Gulag Archipelago*. As it is, the book is more an inspiration to further research than a complete history of Christian witness in the twentieth century.

More in the spirit of the catalogue of new martyrs is Royal's conceptual focus on John Paul II's understanding of martyrdom as a witness to Christ rather than to a particular church. As they suffered together in the gulags and concentration camps, Protestants, Catholics, and Orthodox found themselves united in their common Christianity, sharing the passion and the promises of the crucified and risen Lord. The most moving passages in Royal's book have to do not with torture but with prayer. "We were never so happy," said Father Alexandru Ratiu, who spent sixteen years in Romanian prisons. "We never felt the presence of God so inti-

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mately; and we never prayed more seriously, confidently, and successfully than in those prison barracks." Royal writes that "many people in . . . many different countries, even under differing regimes like Nazism and communism, have reported similar experiences." The Christian church may be divided, but the Christian faithful are united whenever they confess that Jesus is Lord—and there is no confession more radical than the confession of martyrs.

PERHAPS THE MOST important witness the new martyrs gave in their heroic fidelity—inexplicable apart from their simple love and trust in God—is the witness to the truth that the politics of power is not all there is. They demonstrated that human beings are not what the totalitarian project said they were: merely machines to be manipulated, for whom faith was an opiate and scientific materialism would be liberation. That human dignity could be preserved by the death of human beings is a paradox of the highest order. It is also, not coincidentally, a paradox at the heart of the Christian religion.

In Royal's landmark book, a crucially important part of the history of the twentieth century is finally being told. As the persecution of Christians continues in Sudan and East Timor and elsewhere—as people of faith continue to testify to the gospel of love and the truth about the human person—the continuing story of the martyrs will have to be told in the twenty-first century as well.

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The Case for the Prosecution

UNDER HIS VERY WINDOWS: THE VATICAN AND THE HOLOCAUST IN ITALY. By SUSAN ZUCCOTTI. *Yale University Press. 408 pp. $29.95.*

***Reviewed by* Kevin M. Doyle**

THE STORY OF Occupied Rome has never dovetailed well with the portrait of Pius XII as indifferent to the fate of European Jews. Between ten thousand and twelve thousand Jews resided in Rome as the Nazis took over the city in September 1943. When initially the Nazis extorted gold from the city's Jews, the Vatican quietly pledged its gold to the Jewish

KEVIN M. DOYLE *is a lawyer for poor capital defendants and death row inmates in New York.*

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community as backup. And when the Germans commenced a roundup on October 16, the Church responded swiftly. Catholic institutions became sanctuaries. More than four thousand Jews found refuge in scores of religious houses, several external Vatican properties, and Vatican City itself. The Cardinal Secretary of State summoned the German ambassador and begged that he intervene for the Jews. An Austrian bishop stationed in Rome delivered a second protest. The Vatican followed up with intercessions on behalf of some individual detainees.

Tragedy was not wholly averted. The SS ultimately deported to their death almost two thousand Roman Jews. That, however, was but a quarter of the number Berlin originally demanded. In August 1944, Anne O'Hare McCormack, a Pulitzer Prize-winning New Yorker, reported from Liberated Rome. Pius now enjoyed an "enhanced" position because during the Nazi occupation he had made "hiding someone 'on the run' the thing to do" and had given Jews "first priority." The thing to do.

Almost sixty years later, it's quite a trick to deprive Pius of credit at least for the Roman rescue and the Church's heroics elsewhere in Italy, where 85 percent of the Jews survived the war. As Pope, he was, after all, Rome's bishop and Italy's primate. Yet Susan Zuccotti, author of *Under His Very Windows: The Vatican and the Holocaust in Italy*, attempts this feat right before our very eyes. Throughout the book, she presents evidence of papal action on behalf of the Jews, only to twist it into an example of Pius XII's callous disregard. Let's sample three of Zuccotti's interpretive contortions.

On October 25, while thousands of sheltered Jews trembled with fear, the Vatican distributed placards to Rome's religious institutions declaring that, even under martial law, they were immune from being searched. Wouldn't this bespeak papal support for sanctuary? Not by Zuccotti's lights. "That placard . . . was distributed . . . regardless of whether [an institution was] harboring illegal fugitives." Thus, argues Zuccotti, its intent was "to affirm and protect the special prerogatives of the Church rather than to protect fugitives." Ah, yes, instead rescue houses—and rescue houses only—should have received big "No Jews Hidden Here" signs!

Many miles to the north, Bishop Giuseppe Nicolini of Assisi told a priest that he had a letter from the

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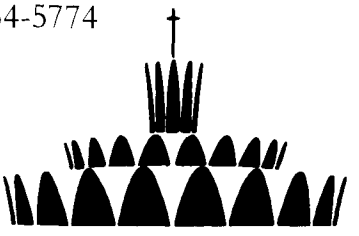

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Vatican requesting help for endangered Jews. Zuccotti insists, however, that the prelate bluffed just to motivate his subordinates. Otherwise, he would have preserved the dangerous paper to someday exculpate Pius. But, as Owen Chadwick demonstrated in *Britain and the Vatican During the Second World War*, the Holy See bordered on the paranoid when it came to German interception of incriminating documents, and so there is a readily available explanation for why such documents have not survived. That explanation, moreover, is consistent with another set of facts: that Jewish organizations and publications around the world had already begun praising the Pope for his diplomatic interventions.

An Alsatian cleric named Calliste Lopinot ministered for three years at Ferramonti internment camp where he compassionately aided and zealously advocated for Jew and non-Jew alike. The Vatican gave Lopinot money to help feed 494 Jews interned after a shipwreck. A papal nuncio later contributed additional funds for Lopinot's humanitarian work. Lopinot's very assignment to the camp came from the Vatican, where Lopinot had been working. Yet Zuccotti claims that in helping Jews he had "act[ed] on his own" and that "the Vatican cannot claim credit for his dedication, vision, and personal initiative." Lopinot apparently disagreed, for after the war he accompanied a group of freed internees to thank Pius for his solicitude.

Zuccotti's relentless spin contrasts starkly with the narrative power that rendered her earlier *The Italians and the Holocaust: Persecution, Rescue, and Survival* a fine work. It also cheats the reader. After reading about how the Vatican pressured refugees to leave Vatican properties after SS raids, one is all ready to be outraged, until finding that at the end Zuccotti acknowledges that "departing guests could be, and were, referred to convents and monasteries." No cause for outrage here, except at Zuccotti's peculiar presentation.

FINALLY, THOUGH, it is Zuccotti's omissions of evidence, rather than her manipulations of it, that make *Under His Very Windows* a scandal.

According to Zuccotti, Pius XII's inaugural encyclical, *Summi Pontificatus*, issued within weeks of war's outbreak, was not "confrontational" and "never mentioned Jews." It merely "made a valuable statement." Those interested can read it for themselves (www.newadvent.org/docs/p12sp.htm), but it is clear that Zuccotti's claim underestimates how it was received at the time. The French, for example, dropped copies of the encyclical on German troops, and the *New York Times* gave it a three-column, above-the-fold headline: POPE CONDEMNS DICTATORS, TREATY VIOLATORS, RACISM; URGES RESTORING OF POLAND. The encyclical declared "Catholic Solidarity" with those non-Catholics united with the Church either "in love for the person of Christ *or* belief in God" (emphasis added).

Zuccotti depicts Marie Benoit, an extraordinary Capuchin priest and rescuer, as an independent agent never "encouraged" by the Vatican. Yet Father Benoit's account of his meeting with Pius to discuss imperiled French Jews describes the Pope as receptive and even solicitous. Zuccotti's book mentions the meeting fleetingly but ignores Benoit's favorable account of it.

Similarly, Zuccotti overlooks Pius' own documented and apparently favorable consideration of a Jewish family's request for convent quarters before the mid-October roundup. She likewise overlooks the postwar testimony of Paolo Cardinal Dezza and Monsignor J. Patrick Carroll-

The ancestry of every action is a thought

— Emerson

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Abbing, rescuers who publicly and specifically contradicted the notion of Pius as an absentee moral leader. The author even ignores Vatican Radio's pioneering 1940 reports on German abuse of Polish Jews and Gentiles, and its 1942 broadcast of the French bishops' protest over Jewish deportations. Surely such media helped make rescue the thing to do.

Much of the evidence Zuccotti omits can be found in works or archives she cites. This suggests either a lack of diligence or research clouded by preconceived judgments, neither of which supports her claim to be the bearer of "the terrible truth" and her labeling of dissenting commentary and testimony as "profoundly inaccurate," "rather deceptiv[e]," and "replete with egregious mistakes and distortions."

The debate over Pius XII currently enjoys little check or balance, in part because *Pope Sins* sells better than *Pope Saves*. I am a liberal Catholic, but many of my fellows believe that a discredited Pius is a step toward a toothless papacy, and so suspend their critical faculties for the sake of their liberalism. The blasphemous enormity of the Holocaust makes it tempting to blame Pius, because it is tempting to blame everyone who was in power while the killing went on. Nonetheless, one suspects that in twenty years Pius will fare far better in the High Court of History than Susan Zuccotti will in the High Court of Historiography.

Humanist Reformer

Calvin: A Biography. By Bernard Cottret. *Eerdmans. 367 pp. $28.*

***Reviewed by* T. M. Moore**

Bernard Cottret's *Calvin: A Biography* is the fifth in a spate of English-language biographies of the Geneva reformer appearing in recent years. It is also the best.

Biographies of John Calvin tend to be rather predictable, even boring: they typically feature his little-known beginnings, speculation on the spiritual crisis that led to the break with Rome, his initially reluctant but long and often stormy ministry in Geneva, major influences and conflicts along the way, his writings, the inevitable crisis with Michael Servetus, and finally, something about his legacy. Calvin was not, after all, a colorful and outspoken character like Luther or an international networking scholar like Erasmus. Apart from an expansive correspondence—Cottret describes Calvin as "one of the great letter writers" of the sixteenth century—he left almost nothing behind to help us glimpse the soul of the man. He was reticent concerning himself and his journey in life, and tended to focus in his writings on whatever was the task at hand. There survives little contemporary documentation to aid the biographer in fleshing out the tones and contrasts in the reformer's portrait.

As a result, Calvin tends to emerge from the biographer's pen as a highly focused intellectual, drafted against his wishes for the work of reforming the Church, but devoted and effective in bringing order to the churches of Geneva and clarity to issues involved in the Reformation. He is not the kind of figure one comes to love as a result of reading about him; however, we may admire and respect him for his conviction, diligence, fruitfulness, and firm leadership in carrying out the work appointed to him.

Bernard Cottret, the founding chairman of the Department of Humanities at Versailles-Saint-Quentin University in France, draws upon the surprisingly wide range of Calvin studies in French in writing a sympathetic and appreciative biography of his fellow countryman that nevertheless admits Calvin's shortcomings and failures. Cottret offers more background on Calvin's formation and on the temper of his times than any of the other recent biographers, allowing the reader a better understand-

T. M. Moore *serves as theological advisor to Prison Fellowship Ministries, Editor of Scripture Union Publications, and Associate Editor of* Reformation and Revival Journal.

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ing both of the factors affecting the various movements for reform in the sixteenth century, Catholic and Protestant alike, and of Calvin's achievement in the use of the written word as a primary tool of his calling.

COTTRET'S CALVIN is anxious, frail, quick-tempered, and, at times, irascible, bold in his calling, faithful in all his work, a terror to his enemies, devoted to his friends. The author speculates very little on the persistent biographical questions concerning Calvin's early years, instead tracing carefully Calvin's movements and activities once he had settled in Geneva in 1536 (and again in 1541). Cottret also provides more material about Calvin's three years in Strasbourg—a critical period in his development—than any other biography I have read.

The bulk of Cottret's excellent book revolves around Calvin's work of reforming the churches, both in defining that work in theological and theoretical terms (his tracts, manuals, and books) and in carrying it out in the trenches day-to-day (preaching and teaching, struggles with the civil magistrates, problems of discipline, confrontations with colleagues, etc.). Along the way Cottret allows us to sample Calvin's thought as it developed in stages, providing good chunks of the reformer's own words for our consideration.

In Cottret's portrait Calvin comes across as a man of his age—a humanist dedicated to grounding truth in ancient texts and to the finest of literary expressiveness, and a reformer devoted to restoring purity of thought and practice to the church of his day. The author is especially appreciative of Calvin's contribution to humanistic thought and French letters. However, as Cottret observes, Calvin "was not a writer only. Writing for him was inseparable from speaking, from preaching, from the Word, from the living text that is addressed to an audience from the height of the pulpit." He was both a humanist and a reformer.

Cottret rightly emphasizes the importance of Calvin's *Institutes*, both as a textbook of Reformation issues and evangelical theology and as a log of the reformer's developing theological thought. Revised and reissued over a period of twenty years, the *Institutes* is Calvin's most enduring legacy, and Cottret recognizes it as such. He applauds the *Institutes* as the high-water mark of evangelical theology as well as a precise manual of doctrine and an outline for church reform. Calvin's humanist background—in

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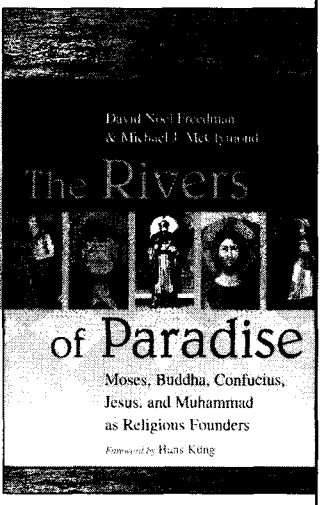

EDITED BY
David Noel Freedman
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Foreword by Hans Küng

"The Rivers of Paradise is a rarity among scholarly works on religion today, as it can be read profitably by specialists and general readers alike. Students who are looking for brief yet sophisticated introductions to Judaism, Buddhism, Confucianism, Christianity, and Islam will find these essays engagingly written and satisfyingly detailed. Specialists, on the other hand, will find a book that takes comparative religion seriously and that boldly redefines the contentious category of 'world religion' through the lens of Weberian sociology. Not all who read *The Rivers of Paradise* will agree with the authors' assessments, but the book will spark debate, and for this reason alone it will make an ideal text for both undergraduate and graduate courses in religious studies."

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particular, his preparation in the law—made him perhaps uniquely qualified to produce so wide-ranging and cosmopolitan a work. Cottret writes, "One enters into the *Institutes* as though into a cathedral, a sort of gigantic edifice where the succession of words, paragraphs, and chapters testifies to the glory of God and the enterprise of man." However, Calvin's magnum opus is no mere abstract theological treatise, but a handbook, of sorts, for growing in knowledge and service of the Lord.

While Cottret sprinkles comments on Calvin's thought throughout the book, he reserves the third and last section for examining Calvin's beliefs and appreciating his work as polemicist, preacher, theologian, and writer. The last of these is especially interesting as Cottret provides a comparison and contrast between Calvin and Montaigne. Both embodied aspects of Renaissance humanism, but their worldviews and objectives were diametrically opposed. He concludes this section with a helpful clarification of what he means by referring to Calvin as a "humanist":

> If by humanism one means a concern for fine literature and the restoration of texts, Calvin was unquestionably a Renaissance humanist. . . . If, on the other hand, one means by humanism faith in man, in his rights and virtues, or confidence in the indefinite progress of the human spirit, Calvin was the absolute opposite of a humanist.

Cottret gives us helpful insights into this humanist reformer at work, especially in the chapter entitled, "To Thee the Glory," where he examines Calvin's pastoral, educational, and missionary work. Far from being content merely to advance the progress of human learning or to exalt the nobility of the human spirit, Calvin was devoted to the advance of God's Kingdom and the glory of His name in all his undertakings.

The book is not without its weaknesses. Apart from a brief section on the reformer's commentary on Romans, Cottret has very little to say about this aspect of his literary corpus, which many Reformed preachers and theologians today would regard as of very nearly equal importance to the *Institutes*. Given the turmoil in American evangelical churches over the nature of the Church and its mission and organization, a larger examination of Calvin's plan for reform as outlined in the *Ecclesiastical Ordinances of 1541* would have helped to make this biography of more contemporary relevance, at least on this side of the Atlantic. Further, Cottret's portrayal of Calvin sometimes reinforces the view of him as narrow-minded, stubborn, and even ruthless in his aims and methods—that "totalitarian reputation" of which the author is aware—a view held by many historians and by theological foes.

Cottret might have provided more balance in his portrayal by showing ways that Calvin, like all ministers in Geneva, was subject to the oversight and correction of his peers; indeed, he was a warmly sensitive pastor who would agree to compromises when his colleagues thought it wise. Cottret might also have delved more deeply into Calvin's personal piety—as revealed in his letters, commentaries, and sermons, for example, as well as his *Catechism*—in order to flesh out his picture of the reformer as a true man of God.

On another matter, Cottret gives us very little of Calvin's passion for the unity of the Church, a burden Calvin felt from his early years of working for union with Roman Catholic theologians and throughout his ministry in Geneva. He labored for union with other Swiss churches, wrote many letters about his hopes for a rapprochement with the Lutherans and Zwinglians, and was routinely called upon to help resolve troubles in churches in other cities.

He wrote in the *Institutes* that disagreements over nonessential points of doctrine should not be allowed to bring schism into the Church. He describes the essentials as follows: "God is one; Christ is God and the Son of God; our salvation rests in God's mercy; and the like. Among the churches there are other articles of doctrine disputed which still do not break the unity of the faith." He wrote that "among Christians there ought to be so great a dislike of schism, as that they may always avoid it so far as lies in their power." Calvin longed to see the churches restored to fellowship with one another, and he never tired of making himself available for whatever he might do to realize that objective.

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FINALLY, Cottret leaves little room to discuss the ongoing legacy of Calvin and the Calvinism that grew out of his labors. He briefly acknowledges the following:

> He was one of the basic figures of a Western awareness that extends far beyond France alone. "Calvinism," in all the imprecision of the term, has permanently influenced the ethical and political views of modern thinkers, from Hobbes to Locke or Rousseau. He also began, as is less well known, an analysis of language that led to contemporary semiotics. Finally, he fashioned an exacting spirituality that reconciled faith and the secular world.

It was evidently beyond the scope of Cottret's purpose to say much more than this, although some more expansive acknowledgment of Calvin's contribution in his own day and beyond would have strengthened this otherwise excellent biography.

Cottret intends to offer his readers "a layman's Calvin." He provides, that is, a portrait of the sixteenth-century humanist reformer from the perspective of one who is neither theologian nor pastor but who, as a believer and a man of letters, admires his subject for his contributions to his own discipline and faith. The author's scholarship is prodigious, his portrayal straightforward, thorough, and eminently readable. *Calvin: A Biography* will take its place among the finest and fairest assessments of the Geneva reformer.

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BRIEFLY NOTED

ON KAROL WOJTYLA. By PETER SIMPSON. *Wadsworth. 92 pp. $13.95 paper.*

This short book provides an excellent introduction to the philosophical thought of Karol Wojtyla/John Paul II as it is elaborated in Wojtyla's major works, including selected passages of the papal encyclicals. Simpson places particular stress on Wojtyla's "phenomenological personalism" resulting, as it does, from a creative synthesis of traditional Thomism and contemporary phenomenology. While Wojtyla took from the scholastic tradition a realistic notion of truth and an emphasis on the objectivity of being, from phenomenology he appropriated the categories of historical, lived experience and the intentionality of consciousness. Ultimately, Wojtyla uses these philosophies for the purpose of developing a unique anthropology capable of challenging the ideologies of Nazism and communism. Central to Wojtyla's thought is the strong sense of the agency or efficacy of the acting person who is fully involved in his self-determination by his free choice of good or evil. One fully realizes oneself as a human being only through the experience of the self's freedom in efficacious willing and acting. In general, this is a highly readable account for those seeking to understand the fundamental philosophical categories that have influenced Wojtyla's moral thought, theory of natural law, and theology.

— Thomas Guarino

ICONS OF EVOLUTION. By JONATHAN WELLS. *Regnery. 362 pp. $27.95.*

Everyone who has taken a biology course in the last forty years remembers the textbook drawings of embryos showing the similarities among fish, amphibians, reptiles, birds, and humans during development. And we remember the photos of light and dark moths resting on tree trunks demonstrating the changes in camouflage coloring as pollution darkened the trees. Both of these classic evidences for Darwinian evolution are now known to be wrong, yet they still appear in textbooks years after they have been discredited by scientists. This new book by Jonathan Wells, an expert in molecular and cell biology, demonstrates that much of what we have been taught about Darwinian evolution is wrong. Wells carefully examines what is now known about ten widely taught evidences for Darwinism. These include, in addition to the two mentioned above, experiments purporting to show the origin of life; the Darwinian tree of life; and *Archaeopteryx*, the supposed transition between reptiles and birds. All of these icons have either been abandoned by biologists as evidence for Darwinism or are the subject of vigorous controversy. The embryo drawings, for example, were faked, and this has been known for a hundred years. In other matters, such as the light and dark moths, evidence has been presented in the last twenty years that makes the conclusions drawn from the original experiments very shaky. In an appendix Wells evaluates ten popular high school and college biology texts and shows that they continue to present uncritically these discredited examples. That they aren't replaced with newer, better examples only strengthens the hand of those who maintain that Darwinism is on shakier scientific ground than is commonly thought.

— Preston Simpson, M.D.

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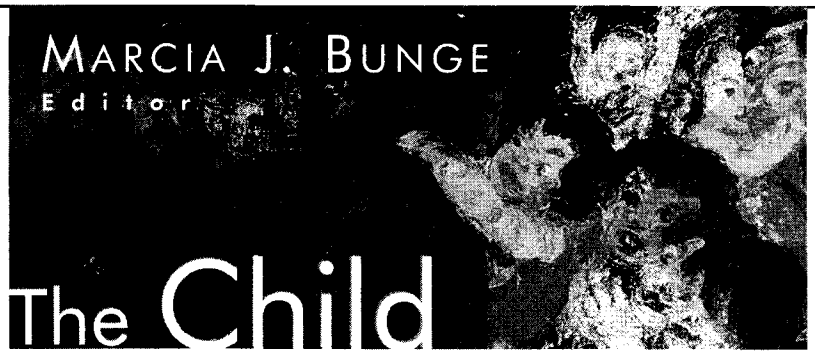
Two Religions—One Covenant: Israel, the Church, and the World. By Joseph Cardinal Ratzinger. *Ignatius. 113 pp. $11.95.*

Cardinal Ratzinger's book is a collection of four occasional pieces, the third of which—a brief, edifying homily—has virtually no connection with the volume's central theme, which is the relation of the "old" and the "new" covenants. The first piece is an exposition of the Catholic Catechism's teachings on Judaism within the economy of salvation that clearly reaffirms the dependency of the gospel upon the covenant promises made to Abraham. The second essay (the most interesting and accomplished of the lot) concerns the meaning of the word "covenant" and attempts to show that its inward mystery is the love of a God of relation, who in His gracious pact with Abraham already somehow bound Himself to death as the most extreme possibility of this relation, and who therefore proved His faithfulness to the Abrahamic covenant upon the cross. The final piece is a meditation upon interreligious dialogue that is most notable for its commendable refusal to dissolve religious truth claims into a featureless and mystical unanimity, but also for its humility and charity of perspective. In all, a modest but worthwhile collection. Scott Hahn's quite unnecessary Foreword manages to describe the Reformation as "heresy" and the Reformers as "heretics" before two pages of text have elapsed—a sentiment, whether defensible or not, that clashes jarringly with the irenic tone of the good Cardinal's essays.

—David B. Hart

The Case for Marriage. By Linda J. Waite and Maggie Gallagher. *Doubleday. 250 pp. $24.95.*

A vigorous and engrossing explanation, backed by solid research, of—in the words of the subtitle—"Why Married People are Happier, Healthier, and Better Off Financially." Waite is professor of sociology at the University of Chicago and Gallagher directs the Marriage Project at the Institute for American Values. Some of what they say may seem obvious, but in the face of the massive assault on marriage in our culture, many have become confused and tongue-tied in asserting the obvious. The authors attend very carefully to both data and theory, and the result is a book that is a necessary reference in current disputes



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about morality, culture, and public policy. Strongly recommended.

THE HOLY LONGING: THE SEARCH FOR A CHRISTIAN SPIRITUALITY. By RONALD ROLHEISER. *Doubleday. 257 pp. $21.95.*

A superior instance of the deluge of books under the rubric of "spirituality." Rolheiser is a Catholic with finely honed ecumenical sensibilities, and writes for "seekers" who may harbor suspicion or hostility toward "organized religion" and its churches. The style is very simple, and at points may seem patronizing, but the substance is for the most part solid and the presentation persuasive. The author goes a bit overboard on the centrality of sex in the human condition, although what he has to say in that connection is suggestive and helpful. His concluding and rather cursory reflection on the Father/Mother aspects of God has the appearance of being an afterthought in deference to sexual correctness. These caveats aside, however, *The Holy Longing* is a book worth reading, and giving to cultured despisers of Christianity.

RELIGION AS A CHAIN OF MEMORY. By DANIELE HERVIEU-LEGER. *Rutgers University Press. 204 pp. $52 cloth, $20 paper.*

The author is a noted sociologist of religion in France, and this book is yet another, and very valuable, contribution to the growing literature that rejects and moves beyond the older assumption that there is a necessary connection between modernity and secularization. She contends that human beings have as great a need as ever for religion that is a "chain of memory" but that it is increasingly difficult to meet this need in societies afflicted by historical amnesia. Her prognosis for "religious institutions"—and only institutions can provide communities of memory—is somewhat grim. The argument is accessible to nonspecialists willing to make the effort.

IN THE BEGINNING: THE STORY OF THE KING JAMES BIBLE AND HOW IT CHANGED A NATION, A LANGUAGE, AND A CULTURE. By ALISTER MCGRATH. *Doubleday. 352 pp. $24.95.*

"The English Bible—a book which, if everything else in our language should perish, would alone suffice to show the whole extent of its beauty and power." So said Lord Macaulay in 1828, and so says Alister McGrath in his very readable historical overview of the origins and influences of the King James Version. He does not, unfortunately, address the current proliferation of Bible translations and paraphrases, most of which show the extent of the language's debasement.

CATHOLICS AND THE EUCHARIST: A SCRIPTURAL INTRODUCTION. By STEPHEN B. CLARK. *Servant Publications. 274 pp. $11.99 paper.*

This is a "scriptural introduction" in that it draws deeply on biblical history and texts, but it is also informed by lively attentiveness to liturgical practice and ecumenical agreements and disagreements about the Eucharist. Both Catholics and non-Catholics can welcome this intelligent and readable reflection on the central act of Christian worship.

BLESSED ARE THE HUNGRY: MEDITATIONS ON THE LORD'S SUPPER. By PETER LEITHART. *Canon Press. 186 pp. $11 paper.*

Leithart, a minister of the Presbyterian Church in America and frequent contributor to these pages, offers arresting and theologically informed reflections on the Eucharist, situating the sacrament within an ecclesiology that challenges the individualism of much Protestant—and, were the truth to be told, Catholic—eucharistic piety. *Blessed Are the Hungry* is "high" Calvinism, both in substance and style of presentation.

FOR THE LOVE OF GOD: THE FAITH AND FUTURE OF THE AMERICAN NUN. By LUCY KAYLIN. *Morrow. 239 pp. $24.*

In 1997 Ann Carey gave us *Sisters in Crisis: The Tragic Unraveling of Women's Religious Communities*, which documented and persuasively analyzed the devastation of women's religious orders in the United States. Lucy Kaylin tells the story of nuns and ex-nuns who, for the most part, welcomed the unraveling as a liberation. While sympathizing with women who hold the Church's leadership in contempt and who dissent on teachings ranging from women's ordination to "abortion rights," Kaylin also longs for the preservation and growth of traditional communities sustained by faith and obedience. The reality would seem to be that one cannot have it both ways. Communities of the consecrated life that are flourishing today are composed of those who have rediscovered the ancient wisdom that liberation comes through obedience, and are prepared to pay the price of being radically and affirmatively countercultural.

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Renewing the Center: Evangelical Theology in a Post-Theological Era. By Stanley J. Grenz. *Baker. 362 pp. $23.99.*

Grenz is a Protestant theologian of distinction who here offers a historically oriented analysis of what went wrong in evangelical thought about the Church and its mission, and how the wrong might be righted. Of course, almost everybody wants to define themselves and their views as "the center," but Grenz's proposal of a "generous orthodoxy" does provide a commodious yet not indeterminate place of meeting for those now separated. His treatment of the project "Evangelicals and Catholics Together" is intelligently sympathetic, which is among the features recommending this book as a useful introduction, also for Catholics, to the current state of evangelical Protestant theology.

Holy Saturday: An Argument for the Restoration of the Female Diaconate in the Catholic Church. By Phyllis Zagano. *Crossroad/Herder & Herder. 182 pp. $16.95 paper.*

The Catholic Church holds that she is not authorized to ordain women to the priesthood. The most recent and authoritative restatements of that holding, however, say nothing about ordaining women to the diaconate. With intelligence and determination, Zagano marshals the arguments—historical, theological, liturgical, pastoral—for ordaining women to the diaconate. Those who argue for the ordination of women to the priesthood will criticize Zagano for being prepared to accept "second best" (or third best, since the office of bishop is the fullness of holy orders); others will protest her "clericalizing" the idea of vocation at the expense of the dignity of the laity; yet others will note that the problem today is not, as she suggests, sanctuaries filled only with men but sanctuaries filled with women (lectors, eucharistic ministers, etc.) where the priest is the only man. Zagano is aware of these and other objections but she presses on in making her case, and in doing so may be laying groundwork for the consideration of this question if and when it becomes a live issue in the life of the Church.

The Modern Jewish Canon: A Journey Through Language and Culture. By Ruth R. Wisse. *Free Press. 395 pp. $28.*

Anyone who tries to propose a literary "canon" today is likely to draw flak. Wisse, who is professor of Yiddish and comparative literature at Harvard, well understands the intellectual currents against which she offers this judicious and wide-ranging proposal. She knows that any such canon will leave out what others think should be included, and include what others will deem less than essential; indeed she specifies likely candidates for both categories. There is no people more book-obsessed than the Jews, which means that there are so many authors that major figures (one thinks of Chaim Grade, for example) sometimes get only a paragraph or less. "In the modern period," Wisse writes, "the God-intoxicated Jews became intoxicated with the world, and the result of their creative experimentation is registered in the diversity of this book." In fact, there is more full-bore and vestigial God-intoxication among these authors than that generalization would suggest, but Wisse is surely right in saying of the future of Jewish literature, "As with the Bible, the world will also value what the Jews find of value to themselves." The same, it might be observed, is true of other communities that are, alas, less productive of literature of distinction.

Morality: The Catholic View. By Servais Pinckaers, O.P. *St. Augustine's Press. 139 pp. $19.*

As Alasdair MacIntyre notes in the preface, the work of Pinckaers attracted strong and fully justified notice in this country with the publication in English of his *The Sources of Christian Ethics.* As Pinckaers himself notes in the text, excellently translated by Michael Sherwin, the interest should in no way be limited to Roman Catholics. *Morality* recasts the earlier book in an argument that is both lower and upper case "catholic," and is accessible to readers and teachers outside the limited circle of moral theologians and academic ethicists. Drawing richly on Scripture and the Fathers, Pinckaers contends that Christian morality is not first of all about obligations but about happiness, understanding that the happiness of union with God is our natural destiny made possible by grace. The Sermon on the Mount is at the center of an approach to morality that turns on the distinction between "freedom for excellence" and "freedom of indifference," the former understood as human flourishing and the latter as a "neutral" capacity to choose between contraries. The proposal of *Morality* is thoroughly Christ-centered, humanistic, and faithful to the magisterial teaching of the Church. Warmly recommended.

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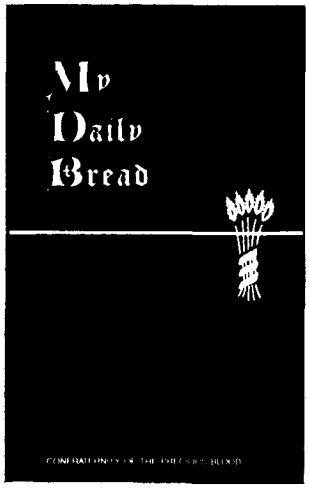

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THE PUBLIC SQUARE

A Continuing Survey of Religion and Public Life

Richard John Neuhaus

A Candid Word About An Untold Story

A hundred and seventy one thousand is a lot of people. That is how many adults came into the Catholic Church in the United States in the past year. That is in addition, of course, to more than a million infant baptisms, adding to the rapid growth of the number of Catholics in this country, now standing at 62,391,484. Of the adults entering the Church in the past year, 83,157 were received by baptism, and 87,799 had previously been baptized in other communions. The former are technically called catechumens and the latter are called candidates, but people more commonly speak of 171,000 "adult converts." The number of adult converts per year has been growing steadily and is testimony, in part, to the success of the Rite of Christian Initiation of Adults (RCIA), a program of evangelization and catechesis begun after the Second Vatican Council. The number of adults moving into full communion with the Catholic Church is one of the important untold stories in contemporary America.

In my experience, most Catholics are not aware of this story. Both "progressive" and "traditionalist" Catholics, for their own reasons, generally depict a Church that is embattled, besieged, and struggling for survival, when in fact, at least by numerical and institutional measures, Catholicism is flourishing and even burgeoning in America. Certainly the rapid growth of Catholicism is a non-story in most of the Catholic press. Among bishops, priests, and editors who know the facts, there is frequently an evident uneasiness about the phenomenon. Individual Catholics, I have discovered, are very "convert-minded." There is hardly a devout Catholic who does not have several people for whom he is regularly praying that they will "come into the Church." There is, however, uneasiness about talking in public about the adult convert phenomenon.

Part of this has to do with the memory of a time—a time not entirely past—when Protestant America questioned whether Catholics really belong here. Anti-Catholics regularly raised the specter of a Catholic "takeover" of America. That memory inhibits any "triumphalistic" drawing of attention to Catholic growth. Another important factor today is that, since Vatican II, Catholicism is deeply and irreversibly committed to the quest for Christian unity, and many Catholics sense a tension, if not a contradiction, between ecumenism and conversions. Those who come from other ecclesial communities and enter into full communion with the Catholic Church encounter great joy among some Catholics that they have, not to put too fine a point on it, "come over to our side." They also encounter frequent Catholic puzzlement that anyone would convert "in these ecumenical times." That ambivalence is not a factor, of course, with the nearly one-half of adult converts who were never baptized and had no previous ecclesial affiliation.

Why It Makes a Difference

Several years ago, the bishops' conference asked for a study of what is happening with RCIA, and it has now been issued. "Journey to the Fullness of Life" is valuable, although limited, because it goes up only through 1996 and is based on a relatively small sampling of people who have participated in RCIA. It is also a bureaucratic product and, as is the way with committee reports (actually, five committees in this case), the humps on the horse do not enhance the clarity of the picture presented. But some of the findings are helpful. At the time of the study, three-

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quarters of the twenty thousand parishes in the country had an RCIA program of nine months or more to prepare adults for membership in the Church. The largest age group is from twenty to thirty-five, with most participants being married to Catholics. A very commonly heard complaint about RCIA (and one reason some people seek individual instruction from a priest) is that its presentation of doctrine is "dumbed down," priority being given to good feelings about "community" and "belonging." This complaint is reinforced by the findings of "Journey to the Fullness of Life." While many of the catechists and leaders of RCIA were concerned about questions such as multiculturalism and inclusive language, the participants whom RCIA is to serve want a greater emphasis upon doctrine and what makes the Catholic Church distinctive. After all, they are devoting months of preparation to taking a very big step, and they need to know why being Catholic makes such a big difference.

Here again, ecumenical sensibilities come to the fore. As one of the five groups involved in the study, the response of the Committee on Ecumenical and Interreligious Affairs evinces a certain embarrassment. The committee rightly emphasizes what Christians have in common. "It is our common Baptism that places us in real, if imperfect, communion with other Christians so that the initiation of the baptized, though not an ecumenical activity, requires a particular ecumenical sensitivity." The committee quotes the official ecumenical directory which says, "The work of preparing the reception of an individual who wishes to be received into full communion with the Catholic Church is of its nature distinct from ecumenical activity." That statement can be, and often is, misunderstood.

The implied tension between ecumenism and evangelization can be a hindrance, in RCIA and elsewhere, to the full and confident presentation of Catholic teaching. It is not encouraging that leaders in RCIA mention a list of secondary resources they use, and then the study adds this, "They mention using the *Catechism of the Catholic Church* as a background resource." That official and very accessible compilation of Catholic teaching, one might suggest, is deserving of more than a mention, and should be in the foreground rather than the background. Surely nobody going through RCIA should be without a personal copy of the Catechism. The responses of RCIA participants underscore the commonsensical observation that what the Catholic Church teaches—including what she teaches about the importance of being in communion with the Catholic Church—is at the heart of why these people are becoming Catholic. At least it should be.

Obscuring the Truth

Wholehearted evangelization and uncompromising catechesis are not the enemies of ecumenism. Proselytizing is something else. Proselytizing is of its nature distinct from, and incompatible with, ecumenical activity. There have been countless efforts in recent decades to draw a bright definitional line between proselytizing and evangelizing, and perhaps none of them is entirely successful. One such worthy effort is the 1994 statement of "Evangelicals and Catholics Together." Recognizing one another as brothers and sisters in Christ, the signers go on to say:

> It is understandable that Christians who bear witness to the gospel try to persuade others that their communities and traditions are more fully in accord with the gospel. There is a necessary distinction between evangelizing and what is today commonly called proselytizing or "sheep stealing." . . . Christian witness must always be made in a spirit of love and humility. It must not deny but must readily accord to everyone the full freedom to discern and decide what is God's will for his life. Witness that is in service to the truth is in service to such freedom. Any form of coercion—physical, psychological, legal, economic—corrupts Christian witness and is to be unqualifiedly rejected. Similarly, bearing false witness against other persons and communities, or casting unjust and uncharitable suspicions upon them, is incompatible with the gospel. Also to be rejected is the practice of comparing the strengths and ideals of one community with the weaknesses and failures of another. In describing the teaching and practices of other Christians, we must strive to do so in a way that they would recognize as fair and accurate.

In evangelization, apologetics, and catechesis, the rule is always, in the words of St. Paul, to speak the truth in love. Love that obscures the truth is not love, and truth pitted against love is not truth. In RCIA and elsewhere, Catholics must not obscure or belittle the great gift of our existing unity in Christ with all who are baptized. Because there is only one Christ, there can be, in the full sense of the term, only one Church, which is the body of Christ. This is the meaning of the Second Vatican Council's affirmation that all who are baptized are in "certain but imperfect" communion with the Catholic Church. The goal of ecumenism is not to create unity where there is none, but to bring to fulfillment the unity that already exists by virtue of baptism and faith in Christ. Catholics believe that the one Church of Christ uniquely "subsists" in the

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Catholic Church, which is to say that the Catholic Church is the Church of Jesus Christ most fully and rightly ordered through time. That is the Catholic proposal, and those who come to believe that it is true are, says the Council, conscience bound to enter into and remain in full communion with the Catholic Church. Obviously, those who are not persuaded of the truth of that proposal have no such obligation in conscience.

RCIA is one of the great gifts of the Council. Each year the number of adults entering into full communion with the Church through this program has grown, and will, please God, continue to grow in the future. It is a story that should be better known. In the telling of the story, it must be underscored that the vibrant growth of Catholicism is not in tension, never mind conflict, with the Church's irreversible devotion to Christian unity. Ecumenism is not enhanced by compromise or timidity but by confident, candid, and mutually respectful engagement among those who seek the fullness of truth. The "Journey to the Fullness of Life," to cite the title of the RCIA study, is inseparable from the journey to the fullness of truth. To judge by this study, and also by much anecdotal evidence, that is sometimes better understood by the adult catechumens and candidates than by the leaders of RCIA. "Journey to the Fullness of Life" is a hopeful sign that this defect is being remedied in a program that is crucially important to the continuing vitality of Catholicism and of Christian witness in America.

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The Clinton Plunge

Tracking the moral state of the American people is anything but an exact science. It is more of a game where everyone can play, and pundits are expected to. (Pundit, as you undoubtedly know, from the Hindi *pandit*, meaning a learned person.) As faithful readers know, I have contended all along that the slimy psychodrama of the Clinton presidency was not an accurate indicator of what is called the American character. It was more a matter of a nation watching with fascinated horror as the toilet backed up and overflowed into its living room. I expect that the word "unprecedented" and the phrase "this has never happened before" were used more times in the Clinton Administration than in the last five presidencies combined. It was part soap opera, part Al Capp's Dogpatch, and, with Mrs. Clinton, a generous slice of *Macbeth*. People were variously amused, appalled, and outraged, but nobody knew how to fix the toilet. Except for the managers of the impeachment, but it was finally decided that their price was too high.

An extraordinary thing has happened, however, since President Clinton so gracelessly left the Oval Office. Those who defended him through perjury, contempt of court, multiple abuses of power, the sexual exploitation of employees, and at least one plausible charge of rape have, suddenly it seems, discovered that there is something deeply wrong about Mr. Clinton and his consort. People who stuck with them through thick and thin are now heaping opprobrium on their heads, as though to make up for their previous oversights. One liberal columnist in a newsweekly calls for ending the eight-year moratorium on the use of the not very nice Southern phrase, "white trash." It is almost enough to make one feel sorry for the former President and his senatorial wife. An editorial in the *New York Times* says that it seems Mr. Clinton is making "a redoubled effort to plunge further and further beneath the already low expectations of his most cynical critics and most world-weary friends." All of this makes President George W. Bush and the return of the adults an even more welcome relief than it would otherwise be.

Morgan Stanley, the investment firm, publicly apologizes for inviting Clinton to address a conference, at a reported fee of more than $100,000. From being political genius and lovable rogue, the former President has become tainted goods. The immediate occasion of the editorial wrath of the *Times* is Clinton's apparent selling of a presidential pardon to the fugitive mogul aptly named Marc Rich. This does not seem to be the greatest of the offenses committed by the Clintons, so why the outrage now? Why now are loyal partisans, rediscovering their fastidiousness, so eager to make clear that the Clintons are not "our kind of people"? Part of it is perhaps a belated expression of guilt and embarrassment over having for so long defended the indefensible. Part of it is surely that offenses such as the Rich pardon and the purloined White House furnishings are not about sex. Clinton was not attacked for his libidinal escapades, and even the most virulent feminists excused his gross exploitation of women, lest the sexual liberation dear to FOBs (remember Friends of Bill?) be thrown into question. The current outrage is over the Clintons' vulgar venality, a vice about which most of his rich former allies try to be discreet.

Then too, there is the obvious factor that liberal Democrats no longer need Bill, and are increasingly embarrassed about their ties to the Senator. In fact, they have every reason to put distance between

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themselves and the Clinton Administration. And so it is that they are throwing their former hero to the wolves. To be sure, there are hard-core loyalists who remind us of the alleged achievements of his presidency, despite his "personal mistakes," and revisionists will inevitably get their turn at redefining his "legacy" in a more favorable light. But for the moment fashion and self-interest dictate the loud expression of a long-lost capacity for moral outrage. Today's fashion, like yesterday's, tells us very little about the character of the American people. One can be grateful, however, that the continuing soap opera has been moved off center stage while the adults, who from the start understood the Clintons all too well, get on with business.

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THAT LOUD-MOUTHED IRISH PRIEST

From time to time I have had occasion to refer to Father Andrew Greeley, more often than not in raising a question about something he has said about matters internal to the Catholic Church. I have perhaps failed to convey my critical appreciation of aspects of Fr. Greeley's project as a sociologist of religion. The editor of *Society*, a social science journal, asked me to review one of Fr. Greeley's recent books, *The Catholic Imagination* (University of California Press), and the review was published in that journal's January/February issue. Herewith excerpts from that review, offering a somewhat different take on Fr. Greeley and his project.

Over the many years of his very productive life, Father Andrew Greeley has been the butt of all the jokes about the super-prolific author. He has, it is said, no unpublished thoughts, and, after he started publishing steamy novels that became bestsellers, it was said that he has no unpublished fantasies. I do not know, and perhaps he is not quite sure, how many books he has published. Some are severe (others would say strident) indictments of the leadership of the Catholic Church, maintaining his reputation as, in his own words, "a loud-mouthed Irish priest." Others are astringently academic analyses of survey research data accumulated by the National Opinion Research Center, with which he has been connected for decades. Yet others are devotional-theological reflections on dimensions of Catholic faith, such as the role of the Virgin Mary and the place of the feminine in human existence. Now Professor of Sociology at both the University of Chicago and the University of Arizona, Greeley repeatedly asserts his dual identity as both priest and sociologist, and in the latter capacity he adamantly insists that he is a "scientist," usually defining that term in an old-fashioned positivist manner. In fact, Andrew Greeley is a man of many parts. The parts and the resulting books do not easily fit familiar categories, as is once again evident in *The Catholic Imagination*.

The book starts out with the thesis to be demonstrated. Or maybe it is the reality to be celebrated. I expect it is both.

> Catholics live in an enchanted world, a world of statues and holy water, stained glass and votive candles, saints and religious medals, rosary beads and holy pictures. But these Catholic paraphernalia are mere hints of a deeper and more pervasive religious sensibility which inclines Catholics to see the Holy lurking in creation. As Catholics, we find our houses and our world haunted by a sense that the objects, events, and persons of daily life are revelations of grace.

Once again, Greeley throws down the gauntlet in challenging the secularization theories that have dominated the last hundred years and more, especially in the social sciences. "I find no persuasive evidence that either modern or postmodern humankind exists outside of faculty office buildings. Everyone tends to be premodern." This is the argument that Greeley made at greater length in his 1972 book *Unsecular Man*, and it is an argument that now appears to have been ahead of its time. Some thinkers who once confidently connected modernity and secularization—one thinks, for instance of Peter Berger and David Martin—have now done an about face, asserting that the dominant characteristic of our time is *de*secularization. Greeley agrees, with the caveat that it is not desecularization because, outside the academic imagination, there was no secularization to begin with. Max Weber et al. to the contrary, human beings, by virtue of being human, live in an enchanted world. Although he does not put it this way, and would likely object to my putting it so bluntly, Greeley's contention is that "the Catholic imagination" enables Catholics to be more human, or at least to give freer and fuller expression to their humanity.

Being a Catholic, says Greeley, is a matter of what one believes, in the sense of doctrines affirmed. But it

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is more importantly a matter of the sacred stories told in community. "None of the doctrines is less true than the stories. Indeed, they have the merit of being more precise, more carefully thought out, more ready for defense and explanation. But they are not where religion or religious faith starts, nor in truth where it ends." The experienced Catholic reality is communal stories, rituals, and cultivated sensibilities that engage ultimate truths. This is the gist of *The Analogical Imagination*, a 1982 book by University of Chicago theologian David Tracy. Greeley dedicates the present book to Tracy, offering it as sociological support for Tracy's argument.

By way of contrast, Greeley contends, Protestantism and a culture formed by Protestantism tend toward a "dialectical imagination." The dialectical imagination is analytical and distrustful of analogy, metaphor, and poetry. Between the natural and supernatural, the ultimate and the penultimate, the heavenly and earthly, Protestantism accents dissimilarities and "otherness," while Catholicism generously, even promiscuously, embraces the similarities. "Catholicism is a verdant rainforest of metaphors. The Protestant imagination distrusts metaphors; it tends to be a desert of metaphors. Catholicism stresses the 'like' of any comparison (human passion is like divine passion), while Protestantism, when it is willing to use metaphors (and it must if it is to talk about God at all), stresses the unlike."

Greeley knows that these are very broad strokes, and at several points he courteously says that he is not claiming that Catholicism is better than Protestantism; it is just different. But he obviously does not mean that. Toward the end, he writes, "Well, yes. I'm a Catholic. I like being a Catholic." That is a notable understatement. Andrew Greeley is exuberantly a Catholic. Lest his Catholic exuberance be off-putting to some readers, he underscores that he has also written books critical of Catholicism "in its present institutional manifestations." That, too, is a notable understatement.

The Catholic Imagination is more than a declaration of the author's love of Catholicism. It is a small book, and the supporting sociological evidence is mainly referenced in the footnotes, but Greeley does propose evidence that, among other things, Catholics have, compared to non-Catholics, a significantly higher appreciation of the arts and high culture; they have more satisfaction and fun in sex; they better understand the uses of leisure; they have a deeper and more stable relationship to family and community; they have a greater respect for the life of the mind, with educational achievements reflecting that respect; and they understand the nuanced connections between freedom and authority. Greeley acknowledges that the evidence for these and other claims is not always conclusive, but he finds the evidence convincing and believes that others should at least think the evidence is somewhere on the spectrum from suggestive to persuasive.

The book is eccentric, but that is not necessarily a criticism. Eccentric in this case simply means that it provides an angle of vision that is somewhat off center. Against the endless discussions of the "crisis" of Catholicism—a crisis of authority, a crisis of priestly vocations, a crisis of identity, etc.—Greeley offers a rather sanguine view of the state of the Church. He suggests that, apart from a lot of dumb bishops (in my experience they are not so many and they are not so dumb as he thinks), the "Catholic thing" is vibrantly alive in America. He recognizes that he is addressing mainly the Catholic situation in the United States, and even that from his Irish-American perspective, but he believes that his core argument about the Catholic imagination and its cultural potency has wider application, and I expect he is right about that, although in this book it is asserted rather than demonstrated.

The genius of the Catholic thing, says Greeley, is evident in the mandate that Pope Gregory the Great gave to St. Augustine of Canterbury when he sent him off to Christianize the Angles, Saxons, and Jutes in the seventh century. The heart of his instruction was that Augustine should not destroy the pagan temples, rituals, and sacred stories but should try to incorporate indigenous beliefs and practices into orthodox Christianity. In short, evangelization proceeds by a strategy of co-optation. Catholicism is on friendly terms with the human condition in all its cultural and religious diversity. Rather than fearing contamination by the "other," Catholicism habitually attempts to consecrate whatever can be consecrated within its own sacred story, even when it leads to substantial adjustments in that story. "It is hard to imagine," Greeley writes, "Jewish or Islamic or Platonist or Hindu or Buddhist or Parsi missionaries (should there have been any in these world religions) taking such liberties with their heritage."

Admittedly, this argument is not original with Greeley, but it is too often forgotten by those who cry "Crisis!" when, in fact, a particular cultural configuration of Catholicism is undergoing change as it accommodates, in accord with venerable tradition, a new cultural circumstance. At the same time, one wishes that Greeley had related his argument to, for instance, the explosive growth of evangelical and pentecostal Protestantism in the presumably Catholic culture of Latin America. Some might invoke that phenomenon as evidence countering Greeley's argument about the cultural weakness of "dialectical"

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Protestantism. My own suspicion is that the forms of Protestantism flourishing in Latin America are not dialectical but have co-opted the Catholic strategy of co-optation. But that is the subject of another book, quite possibly forthcoming from Andrew Greeley.

The Catholic Imagination is, as we have come to expect from its author, a provocative mix of Catholic teaching and experience, personal enthusiasm and antipathies, served in a setting of social scientific theory laced with suggestive data, and presented with an attitude. The result will not be to the taste of everyone, but Fr. Greeley has never been inhibited by what he views as the lamentable taste of his detractors. My own recommendation to the hesitant is that they give *The Catholic Imagination* a try.

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CULTURE POLITICS, AND OTHER KINDS

(The eleventh in a series of reflections on the theme of "Christian America.")

We have seen the way in which a thorough secularist such as Richard Rorty also subscribes to a Christian America, but one that is Christian once or twice removed. What he, following his mentor John Dewey, does not hesitate to term a religion stands in sharpest contrast to the "culture politics" now being waged by both the left and the right. *Achieving Our Country* is a poignant cry for the left to return to what Rorty thinks is the real business of politics, which he frankly describes as "social justice" understood in terms of redistributing wealth. It seems that Rorty's appeal to reconstitute what now might be called the "old left" will have few takers in the foreseeable future. Although those of the hard-core left today declare themselves to be anticapitalist, a declining number affirm that they are socialist, and, unlike the "old left" of earlier decades, a real Communist is almost impossible to find.

Questions of economic, military, and foreign policy are perennials in American politics, as in the politics of any nation. They will never go away entirely, and in unpredictable manner will sometimes erupt as the dominant and formative questions. For the present and in the likely future, however, American politics is mainly "culture politics." One notes again that "culture" is derived from the Latin *cultus*, meaning what we revere or worship or hold ourselves accountable to. Culture politics is therefore a contention over what religious or quasi-religious moral tradition, if any, will guide our deliberating and deciding how we ought to order our life together. In this country, composed of these people with their history and associational allegiances, that contention inevitably engages the reality of Christian America.

I do not find it entirely persuasive, but the argument should be acknowledged that "culture politics" is nothing new in the American experience; that it is, in fact, the normal thing, with most of the twentieth century being an aberration. The dominant public issues of the twentieth century were the crises of war and economic depression, with the program of the Progressive Era, which is essentially a program of state regulation and redistribution of wealth, making its way as best it could through and around the crises. The two world wars, the Great Depression, and the more than forty years of Cold War are all in the past. As is the era of big government, or so at least former President Bill Clinton once proclaimed and some believe. So now, in this view, we are returned to the normality of politics as culture politics. After all, what else should politics be about if, as Aristotle suggests, it is the deliberation of how we ought to order our life together, and "ought" is defined by available and commanding ideas, which is to say, by culture?

It is an argument of more than passing interest, but I believe a better case can be made that the form of culture politics dominating our historical moment is the aberration. I am not prepared to press the case very hard, however, since I also harbor the suspicion that it is futile to try to specify what is aberration and what is normality in the American experience. It is difficult enough to try to get a fix simply on what is happening, quite apart from judging whether it is aberrant or normal. Recall the adage that America is so vast and so various that almost any generalization about it is amply supported by evidence.

In any event, there is no doubt that many people are disturbed by the present dominance of culture politics. Culture politics necessarily results in the "moralizing" of politics. Across the political spectrum, there is considerable ambivalence about this turn in our political culture. The left complains about an ascendant "neo-Puritanism," especially in relation to sexual ethics, and especially in the aftermath of the scandals surrounding Bill Clinton. The right responds that it is simply challenging the "new morality" so vocally and successfully promoted by the left since the 1960s. Both sides have more than a point. It is not that one side is moralistic and the other is not. One of the more successful conservative ploys of recent years, for instance, was to highlight the rigorous moralism of "political correctness." In the dispute over "speech

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codes" on campuses, to take but one example, there was the irony of conservatives, in their opposition to such codes, sounding like moral libertarians, while liberals were determined to impose moral standards.

Moralities in Conflict

More often than not, culture politics is not a matter of morality vs. immorality (or even amorality) but of moralities in conflict. As much for secularists like John Dewey and Richard Rorty as for religionists like Walter Rauschenbusch and James Dobson of today's massive "Focus on the Family" network, it is a conflict that takes place within the ambiance of Christian America. And that for the inescapable reason that Christian America—however confusedly Christian—is the only America there is. Culture politics has to do with the right ordering of our life together, and the right ordering of our life together has to do with almost everything. It has to do with everything, that is, when everything becomes politics, and it is worth remembering that it is has typically been a tenet of the left that everything is politics.

Culture politics has to do with sex, of course. But again, it was the "new politics" of the left, not of the right, that declared a "cultural revolution" (meaning, above all, a sexual revolution) some thirty years ago. The cultural-sexual revolution entailed major social and political changes in gender roles, family structures, attitudes toward homosexuality, and much else. I indicate some reservations about attributing all this to "the sixties" because, in fact, the revolt against what are called bourgeois values goes back much farther than that. In some respects, the "culture wars" have been underway almost a century now. This is brilliantly described by Modris Eksteins of the University of Toronto in his *Rites of Spring: The Great War and the Birth of the Modern Age*, which takes as its title and starting point Stravinsky's ballet first performed in Paris in 1913:

> That the issue of sexual morality should become a vehicle of rebellion against bourgeois values for the modern movement was inevitable. In the art of Gustav Klimt, in the early operas of Richard Strauss, in the plays of Frank Wedekind, in the personal antics of Verlaine, Tchaikovsky, and Wilde, and even in the relaxed morality of the German youth movement, a motif of eroticism dominated the search for newness and change. "Better a whore than a bore," mused Wedekind, while in the United States Max Eastman shouted, "Lust is sacred!" The sexual rebel, particularly the homosexual, became a central figure in the imagery of revolt, especially after the ignominious treatment Oscar Wilde received at the hands of the establishment. Of her Bloomsbury circle of gentle rebels Virginia Woolf said, "The word bugger was never far from our lips." André Gide, after a long struggle with himself, denounced publicly *le mensonge des moeurs*, the moral lie, and admitted his own predilections. Passion and love, he had concluded, were mutually exclusive. And passion was much purer than love.

Allen Ginsberg's "Howl" and Norman O. Brown's "polymorphous perversity," both major features of the 1960s, are not a far distance from 1913. One might suggest that the cultural revolution declared at the beginning of the twentieth century was delayed by the distraction of crises—from World War I ("the Great War") through the end of the Cold War in 1989. The conservative turn in politics over the last decade is a long-delayed response, now led in significant part by evangelicals, the heirs of the fundamentalists who went into cultural exile almost a century ago. Of course the response is condemned as a philistine reaction against today's so-called high culture, which has, for the most part, descended into a self-indulgent and transgressive vulgarity far removed from the panache and imagination of an earlier modernism. But, then and now, the core of the revolution is sexual.

When in the culture politics of today the right comprehensively packages its agenda under the label "pro-family," it is mirroring the definition of the conflict proposed by the left. Disputed policies ranging from parental choice in education, to a tax break for married couples, to opposing the legalization of gay rights are all included in the "pro-family" package. The right, and especially "the religious right," is frequently viewed as the aggressor in our culture politics. Its champions, however, believe that they are engaged in a defensive aggression. The clarity of public discourse would be well served were that point conceded. To deny it is to deny that there was a cultural-sexual revolution launched in the 1910s and resumed in the 1960s, or else to claim that it was not about anything of importance.

There is today one question above all others, however, that drives culture politics. It underlies and overarches a host of other issues. Start probing apparently unrelated disputes, and soon the argument gets around to it. Most of us wish this were not the case. But it is the finally unevadable question in American public life, and it will not go away. The question, of course, is abortion. Not surprisingly, those who are put off by culture politics are put off by the conflict over abortion. The arguments for or against the existing abortion license are not

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necessarily religious in nature. Yet in the everyday reality of public debate and battle, nothing cuts so close to the frazzled nerve center of Christian America. More than any other factor, abortion has also shifted the public constellations of religious allegiance in the country, notably in the convergence of evangelical Protestants and Roman Catholics in the anti-abortion cause.

Of course, abortion and its centrality in the culture wars did not come out of nowhere. Some resist the suggestion, but I believe the abortion license is inexplicable apart from the moral acceptance of contraception, beginning with the Anglicans at the Lambeth conference of 1930, and, later, the development of the pill. As Eksteins notes also with respect to homosexuality, the revolution aimed at liberating the erotic from fertility and morality. Following on the abortion license and its declared dominion over life and death, the revolution is entangled today with biomedical activities that constitute nothing less than a return to eugenics (see my article, "The Return of Eugenics," *Commentary*, April 1988). Considering how long the culture wars have been underway and what is at stake, it is hardly surprising that, barring a distraction such as global war or depression, our politics at the beginning of a new century are mainly culture politics. The great question in dispute is whether passion and love are mutually exclusive, whether passion offers a freedom greater than the freedom proposed by the hard tasks of love. (*To be continued.*)

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WHILE WE'RE AT IT

■ What hath Luther wrought? Among other things, McDonald's. That is the claim of Father Massimo Salani, a patristics scholar and author of a book on the dietary habits of the world's religions. An interview with Fr. Salani in *Avvenire* caused a great media storm in a country that cherishes three-hour lunches, with papers running headlines such as "Theologian Excommunicates Hamburger" and "The Hamburger Is Not for Catholics." Fast food, said the theologian, is "the fruit of a Protestant culture." "The individualistic relation between man and God, started by Luther, is also reflected in the world of eating. Lacking the community aspect of sharing, fast food is certainly not a Catholic model. It is the complete forgetting of the sacred nature of food. In McDonald's, you look for a fast meal, satisfying your hunger as quickly as possible in order to give yourself to something else." McDonald's, which claims to serve 600,000 Italians daily, made a fast answer: "Fast food means being served quickly, not eating quickly." They went on to note that their offerings are attuned to cultural and religious differences around the world. I have some sympathy for Fr. Salani's position. At Immaculate Conception, my parish on 14th Street, the dry cleaners next door moved out a couple of years ago and was replaced by, sure enough, a McDonald's. I have suggested that we should put up a sign with arrows pointing to "Fast Food" in one direction and "Eternal Food" in the other. But I've not been able to persuade my priestly confreres. They say it may lead people to think that the Masses go on forever.

■ In 1971 Bryn Mawr, the elite women's college, surveyed its five most recent graduating classes. Three-quarters of the women responded, reporting, inter alia, a total of more than seventy babies. In 1975, Bryn Mawr again surveyed the five most recent graduating classes, with the same rate of response, but this time reporting only three babies. As late as 1967, 40 percent of American adults thought that four was the ideal number of children in a family; by 1973, only 20 percent thought so. Today the median age of Americans is thirty-eight, in the early 1970s it was twenty-eight, a hundred years ago it was twenty-one. Thus does David Frum pile item upon item to demonstrate that ours, like other advanced societies, is rapidly aging, although immigration keeps America from an absolute decline in population. In the 1970s people stopped having babies, with, among other cultural consequences, an elite concerned about nothing so much as safety and security. Frum writes: "As the feminist revolution institutionalized itself, Gloria Steinem observed triumphantly (or was it ruefully?) that her women friends had turned into the men they had once wanted to marry. In the same way, the formerly young are busily refurbishing their society into the safe cocoon they once mocked their elders for retreating into. Once safely settled, they will no doubt go on playing the exciting songs of protest they grooved to back in 1968—playing them louder and louder as their food gets softer and softer. But it won't be those protests that will by then define the modern world; it will be the consequences of the decisions they made in their personal lives, during those crucial years from 1970 to 1980."

■ Robert Craft on Igor Stravinsky is a subject almost as endless as other writers on Robert Craft and Igor Stravinsky. But here is an aspect I had not come across before. Craft is commenting in the *Times Literary*

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Supplement on John Warrack's review of a new Stravinsky biography: "Warrack has perceived that the book's discussion of Stravinsky's 'indebtedness' to [Jacques] Maritain is exaggerated. But it is a mistaken argument that Stravinsky's 'sudden assemblage of icons, votary candles, and so forth [was no] more than a symptom of an exile's nostalgia.' Every morning before he composed, Stravinsky prayed to an icon that he had brought from Russia. Superstition was undoubtedly a large element in Stravinsky's religion—as in other people's—but the drawing of the Crucifixion on the flyleaf of the *Symphony of Psalms* sketchbook, and the Church calendar dates found in his scores—'I. Stravinsky after Friday confession, April 9, 1926' on the cover of the *Sérénade en la*—are indications of a profound religious belief, and we know for certain that he wanted his uncommissioned Mass to be used liturgically; when it was, in a Los Angeles church for a Thursday noon Holy Day of Obligation service, he knelt throughout."

■ There has been much and deserved comment on the Netherlands becoming the first country to legalize euthanasia. A *Washington Post* story nicely captures part of the rationale: "Recognizing common social practices and decriminalizing them has become a Dutch hallmark, making the country a dangerous trendsetter to some, and to others a laboratory for progressive social experimentation. The Dutch have the most liberal drug laws in Europe, allowing, for example, marijuana users to purchase the drug legally at licensed 'coffee shops.' Prostitution has long been legal, and this year brothels have been legalized and are subject to government regulation and regular inspections. And also this year the Netherlands became the first country to legalize same-sex marriages." Health minister Els Borst says euthanasia and doctor-assisted suicide need to be brought out into the open so that they can be "more easily regulated and controlled." Everything within the state, nothing outside the state, nothing against the state. As Mussolini said. The principle of legalizing "common social practices" raises interesting questions. For instance, Whither incest? Of course there are health professionals who will say that incest violates Mill's "harm principle," but who are they to impose their values? And shouldn't kids who enjoy sex with siblings and relatives have a say in this? Even the Dutch run into the perennial liberal problem with the distinction between children and adults. The euthanasia law finally dropped the provision that twelve-year-olds could ask to be killed. Until age seventeen they need the consent of their parents. The health minister acknowledges that there is a still a problem regarding the informed consent of people with Alzheimer's, but a committee is working on it. Meanwhile, people are encouraged to make out an "advanced directive" so that they will not have to be asked when they can no longer answer. Of course, human beings have this stubborn intuition that there is a connection between law and morality, from which it is commonly assumed that what is legal is also moral, from which it results that "common social practices," once legalized, become more common, as is evident in the debased public culture of the Netherlands. This is the country, mind you, that once won the admiration of the world when its doctors and other institutional leaders courageously refused to cooperate with the eugenic and anti-Semitic programs of the Nazi occupation. Although in the name of the kindness that kills, it seems the Dutch are doing to themselves what the Nazis could not do to them. Not incidentally, the Netherlands back then was a vibrantly Christian nation with a remarkable comity between Calvinists and Catholics. That a people could come so far so fast is a cautionary tale for the still moderately civilized nations of the world. The Netherlands is what happens when truth and virtue have lost their public purchase in challenging "common social practices."

■ Holland, it should be noted, is not the only country where euthanasia is legally permitted or tolerated. To "assist in suicide" is not a crime punishable by law in Sweden, and in France euthanasia is now permitted in "exceptional cases." The constitutional court of Colombia authorized euthanasia in 1997 for terminally ill patients who ask for it, and in China euthanasia is routine for the terminally ill in hospital. Then, of course, there is Oregon.

■ "Madonna." As in Our Lady. As in Madonna and Child. As in the Madonna Rehabilitation Hospital run by the Benedictine Sisters of Lincoln, Nebraska. For several years they had an Internet website named Madonna. Then an entertainer, one by the name of Madonna Louise Veronica Ciccone, better known simply as Madonna, got wind of it. She, too, had a website named Madonna. She appealed to the World Intellectual Property Organization, an outfit connected with the UN that maintains the international registry of domain names. She won. The sisters, the hospital, and Madonna are out. Between two millennia of devotion and two decades of sleaze, there was no contest.

■ A British company has developed a $150 test for screening unborn children for low intelligence. "There is an urgent need for regulation of what constitutes legitimate use of this type of genetic diagnosis," said Richard Nicholson, editor of the

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Bulletin of Medical Ethics. "Low IQ is not life-threatening. This is a significant step towards eugenics." All such significant steps should be carefully regulated.

■ Episcopalians and Lutherans opposed to the ordination of women frequently refer to "priestesses." That is taken as a put-down, which is no doubt how it is intended. Michael Church, a Lutheran pastor, is married to Terri Luper, a Lutheran pastor, and he writes: "Perhaps I am overly sensitive to this problem. Every so often my wife will testily compile a list of the words by which she is addressed in the course of her daily duties. Along with the conventional 'Pastor,' she is also routinely called 'Reverend,' 'Sister,' 'Mother,' 'Um-excuse-me,' and (more often than you might think) 'Father.' The Evangelical Lutheran Church in America has been ordaining women for three decades now, as have any number of other Christian communities. Recent polls show overwhelming support among Americans for women as religious leaders. But, at least linguistically, it seems that we have not quite found a place for them." But it's a problem that touches on nothing essential, says Pr. Church. "In any case, we are agreed that priesthood, by which I mean ordained ministry in the Christian Church, is not about the titles we give each other. It is about the Mysteries we celebrate, the Word we proclaim. It is not really about 'us' at all, but about the One who shares himself with us." But he doesn't do it without us. So maybe, at least in the order of secondary causes, it is about "us" after all. And just maybe the persisting problem of titles for women clergy is a symptom of something more important that is out of order.

■ From time to time we note encouraging advances in thinking about the religion clause (n.b.: *one* clause) of the First Amendment both in the courts and the law journals. And then one comes across something that is a jolting reminder of how many have not moved an inch beyond the most fundamentalist reading of "the separation of church and state." Just as though nobody had written a book on the dangerous incoherence of the naked public square. Such a jolting reminder is an article with the sexy title, "Keeping Sex in Sex Education," by Gary Simpson and Erika Sussman in the *Southern California Review of Law and Women's Studies*. They argue that school districts that encourage abstinence until marriage are violating the "no establishment" provision of the religion clause. Since abstinence is supported by religion, it follows that government promotion of abstinence is an establishment of religion. You can readily draw up your own list of the absurdities to which such illogic can lead and all too often does lead. The authors further argue that the "free exercise" provision of the religion clause does not require letting parents opt out of sex education classes on behalf of their children. So Simpson and Sussman execute their legal pincer move: abstinence-only courses are unconstitutional and anything-goes courses are mandatory. By this bizarre interpretation of the religion clause, not often put so baldly these days, the authors assert their constitutional freedom from being interfered with in their interfering with the freedom of others.

■ Readers say they relish it when this section takes on our parish paper, and I wonder whether some readers may not relish it excessively. At the risk of pandering to a disordered pleasure, however, the following is an item that has not been published previously in this space. "If there be a periodical of the day which lays claim to knowledge of this globe, and of all that is in it, which is catholic in its range of subjects, its minute curiosity, and its worldwide correspondence, which has dealings with all the religions of the earth, and ought to have the largeness and liberality of view which such manifold intercourse is calculated to create, it is the *Times* newspaper. No men avow so steady a devotion to the great moral precepts embodied in the Decalogue, as its conductors, or profess so fine a sense of honor and duty, or are so deeply conscious of their own influence on the community and of the responsibilities which it involves, or are so alive to the truth of the maxim that, in the general run of things, honesty is the best policy. What noble, manly, disinterested sentiments do they utter! What upright intention, strong sense, and sturdy resolution are the staple of their compositions! What indignation do they manifest at the sight of vice or baseness! What detestation of trickery! What solemn resolve to uphold the oppressed! What generous sympathy with innocence calumniated! What rising of heart against tyranny! What gravity of reprobation! How, when Catholic and Protestant are in fierce political antagonism, they can mourn over breaches of charity in which they protest the while they had no share! With what lively sensibility and withering scorn do they encounter the accusation, made against them by rivals every half-dozen years, of venality or tergiversation! If anywhere is to be found the sternness of those who are severe because they are pure—who may securely cast stones, for none can cast at them—who, like the Cherub in the poem, are 'faithful found among the faithless'—you would say that here at length you had found the incorruptible and infallible, the guides in a bad world, who, amid the illusions of reason and the sophistries of passion,

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see the path of duty on all questions whatever, with a luminousness, a keenness, and a certainty special to themselves." I do not offend against modesty by saying that that is a fine piece of writing and, in most particulars, an accurate description of the *New York Times*. It is, of course, John Henry Newman on the London *Times* in his *Lectures on the Present Position of Catholics in England*.

■ I opined (December 2000), in a hopeful way, about Jacques Barzun's deepest beliefs, drawing on random comments in his recently published *From Dawn to Decadence*, and have been taken to task for being a bit too hopeful (see Correspondence, March). There is some light shed on the question by Charlotte Hays' interview with the ninety-two-year-old scholar in the *Women's Quarterly*. She asks if he is a religious person, to which he answers yes, adding this: "I was reared in what might be called a semi-Catholic, French fashion—that is a good Catholic, but not intense, like a convert, or the way that many Catholics are today, because the Church is attacked. In my time, the Church was just there and people took it in stride. I am not a practicing Catholic now, particularly because of the conditions of the Church, both its fragmentation and its extreme conservatism and other considerations. American Catholicism is a very different thing from French Catholicism or, indeed, European, and I would not fit into any parish or organization. I'm perfectly willing to go to a Protestant church, and I find that some of them, which are called Presbyterian, have very high-church ways of being Presbyterian. So that the whole religious question today is almost incapable of being described by the old labels. When I find a choir, the minister coming down the aisle in a procession with the choir behind him in a Presbyterian church, I'm a little amazed. But that is exactly what I've encountered here in San Antonio, which is so largely Catholic." As a religious commitment, it's not terribly discerning, perhaps, but it is not nothing.

■ The *Manchester Guardian*, that staunch defender of leftist orthodoxies, has come out against the Act of Settlement of 1701 which excludes Catholics from wearing the crown or marrying those who do. Leanda de Lisle, a Catholic of recusant descent, is not impressed. The *Guardian*'s objective, she says in a letter to the editor, "is not to see a Catholic on the throne, but to have no throne at all." The campaign to disestablish the Church of England is aimed not at giving other religions a fuller part in public life but at making "all religions equally insignificant." The zealously "tolerant" and "educated" middle classes, in combination with the "progressive" media, are set upon establishing a thoroughly naked public square. Then there is this on an England that apparently is not always to be, after all: "The monarch would be replaced by somebody akin to the gargoyles now sitting in our House of the Bourgeois Lords. 'I never tried to defend the Lords in the old days,' Jeremy Paxman wrote in the *Spectator* last week, 'but I simply cannot see how the new place is any more legitimate: at least there used to be the possibility of unpredictability by accident of birth.' Now he sees Tony's cronies, a few extinct political volcanoes, and, with the coming people's peers, 'a selection of busybodies who want a role in governing us without the inconvenience of getting elected.' The *Guardian*'s republic will be a dictatorship of the proletariat by school swots who dress in expensive casual wear and enjoy a little traditional toff bashing."

■ Some years ago in a pleasant conversation with an English prelate, I asked him how he would define the mission of the Church of England. He seemed a little taken aback by the question, but finally allowed that he supposed the mission, so to speak, was something like "keeping alive aspects of the Christian heritage for those who are interested in that sort of thing." The conversation came to mind in reading an article in the *Spectator* on how English schoolchildren are taught quite a bit about Hinduism, Buddhism, and Islam, but almost nothing about Christianity. This circumstance is required, of course, by multicultural politesse. The author, Jackie Wullschlager, is an agnostic and cites other agnostic and atheist worthies (A. N. Wilson, Freud, Bertrand Russell) on why a knowledge of Christian myths is important to understanding Western culture, and literature in particular. Wullschlager writes: "If we are not careful, this culture will become the prerogative of a social elite, for those at private schools where traditional assemblies and religious education still flourish, and for children at Church state schools, whose parents, hypocritically or not, secure places by attendance at church. How ironic that knowledge of Christianity—the religion born out of the revolutionary belief that all men are equal, whose history is one of empowering the poor and deprived—will end up being class-bound in this way." Some Christians may welcome that kind of solicitude, so touchingly grateful are they for any attention paid. But knowledge of Christianity as a vestigial cultural artifact is not knowledge of Christianity at all. Jackie Wullschlager undoubtedly means well, but the only remedy for what is nervously decried as a cultural problem is for Christian communities, including the C of E, to rediscover a mission aimed not at preserving but at challenging a culture, including the agnostic well-wishers of cultural Christianity. When Christianity is viewed as part of Britain's story, rather than Britain

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as part of the story that Christianity tells, both stories are destined to disappear. Which seems to be pretty much what is happening in that once-sceptered isle.

■ I expect all of us have at one time or another said of a remarkable conversation, "I wish I had been there." Such is the May 1979 conversation between Malcolm Muggeridge and Archbishop Fulton J. Sheen, moderated, so to speak, by James P. McFadden. It took place in Sheen's apartment in New York a few months before he died, and a few years before Muggeridge entered into full communion with the Catholic Church. At one point Sheen is discussing the effort of the U.S. bishops to raise millions of dollars for a project in "communications," and they wanted the famous bishop to write a supporting letter for the fund appeal. He just couldn't bring himself to do it. "Because I know that when we spend that money on dramas and on debates and television shows of any kind, and crossword puzzles, we're *not* going to influence anyone." This was sparked by Muggeridge's enormously successful production of the film on Mother Teresa of Calcutta, *Something Beautiful for God.* Muggeridge's point was that the best way to communicate the Christian message is to present credible Christians like Mother Teresa. "Just get them there and give them half an hour to tell their viewers why they're Christians. You'll do good with that. And that is absolutely so. Find those people with faith who will express that for you. And that's all you can do. Because the other gimmicks are worthless—absolutely worthless. Setting up your panels, those terrible panels, with a kind of nebulous clergyman and a life peeress who believes in sex education, and a terrible sociologist from Leeds. [*laughter*] And now 'Is there a God?' you know: 'Do the panel think there's a God?' [*laughter*] And the life peeress clears her throat and in a rather resonant voice says, 'What we need is more education.' We don't. We need less. [*laughter*] But that's the thing, because it is true that the words—or the Word—is irresistible, presented by somebody who truly believes and lives it, which is why this extraordinary woman—because I have been with her in television studios and other places—and she doesn't ever say anything of any particular note in intellectual terms, but wherever she goes, everything is crowded, anything she says on television has an enormous impact, *because* she believes it and lives it." A thirty-eight-page transcript of the Muggeridge-Sheen conversation is available for $5 from the National Committee of Catholic Laymen, 215 Lexington Avenue, 4th Floor, New York, New York 10016.

■ Yesterday's reform is today's convention calling for reform. It is a very old story, and probably a very good thing, too, or else we would be frozen in the status quo. Although the Second Vatican Council did not mandate celebrating Mass *versus populum* (facing the people), liturgists championed it and the practice, along with the free-standing altar, rapidly spread, also among Lutherans, Anglicans, and others with a liturgical tradition. Among younger priests today, there is a new interest in celebrating the eucharistic liturgy—as distinct from the first part of the Mass, the liturgy of the Word—*ad orientem* (toward the rising sun). This is sometimes pejoratively described as the priest celebrating "with his back to the people," but it is in fact the primitive Christian way of celebrating, underscoring the eschatological truth that those gathered by the Paschal Mystery are expectantly awaiting the coming of Christ, the *Oriens ex alto* (Dawn from on high). And, to be fair, nobody pejoratively describes *versus populum* as "against the people." All of this is very persuasively explained by Father Timothy V. Vaverek, a young pastor in Waco, Texas, in the October 1999 issue of *Homiletical & Pastoral Review.* While he is attentive to the pertinent theological and rubrical questions, a strength of the article is his practical and pastoral concern that liturgy not be made a parochial battleground. Based on his own parish experience, he makes the case that the successful modifications of the last thirty years have prepared people to be accepting and appreciative of constructive change. In my own parish it is *versus populum* all the time, and I do believe that mode of celebrating, if done with care and reverence, need not get in the way of the transcendent and "vertical" dimension of the liturgical action. At the same time, I am impressed by the thoughtful people who are having second thoughts about the wholesale abandonment of *ad orientem.* For those giving second, or first, thoughts to the matter, a good place to begin is Fr. Vaverek's "Celebration of Mass *ad orientem* in a Parish Setting."

■ There was much and fully warranted discussion of the case of the congenitally joined (Siamese) twins born in Manchester, England, to Catholic parents from Malta. The parents vigorously objected to an operation that would separate the twins at the expense of the life of one, but were finally overruled by the British government. Daniel P. Sulmasy, O.F.M., M.D., who teaches ethics at St. Vincent's Hospital in New York, looks back on what happened and draws what I believe are the necessary conclusions: "It would seem very hard, however, to conclude that in refusing to consent to an unprecedented and heroic operation that would benefit one child while leaving the other to die, the parents were guilty of child abuse. What they refused was not just a minor

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injection or a simple surgical procedure. They refused a major and complicated operation that posed significant risks even to Jodie [the child who lived]. The whole procedure could be considered, in one sense, an extraordinary means of care that should be judged morally optional. In addition, since the retarded twin was doomed to die as a result of the surgery, it seems unreasonable to consider the refusal of that procedure to be an act of discrimination toward vulnerable children. It does not seem that the parents' refusal ought to be construed as a completely irrational, outlandish, total imposition of parents' idiosyncratic religious views upon their children. Yet this, in effect, is what the British court ruled. They took away the rights of the parents to make this decision and imposed upon them a fairly strict utilitarian calculus. I find this a dangerous precedent. The rights of the parents' religious conscience have now been sacrificed upon the altar of medical science and social utilitarianism. Now, in Great Britain at least, not only must children be treated over their parents' objections when the means are well within the bounds of what the average person would consider 'ordinary,' but even when plenty of rational people might consider the means 'extraordinary.' This case is far too ambiguous and open to far too many interpretations for the state to impose a solution over the objections of parents. Thus, as I see it, this case was consistently mishandled. It was riddled with bad moral advice and bad decision-making. It was plagued by medical arrogance, narrow pastoral advice, and judicial bullying. The surgery has now taken place. Mary is dead, and Jodie is clinging to life. We are left to pray for the twins. And we can also pray for the parents. In odd ways, they too have become victims in this tragedy. It is a truism that truth is often stranger than fiction. I could not have made up a more bizarre case to put on my medical students' final exam in medical ethics or to contribute to an anthology. I sincerely hope that those who teach medical ethics can help our students learn to handle difficult cases like this one far more carefully in the future."

■ Brian Anderson's article in the Winter 2000 *City Journal* on what has gone wrong with Catholic Charities was reprinted in the *Chronicle of Philanthropy*, and the virulent letters in reaction to it are depressing, if not surprising, evidence of how very hard it is to achieve civility and clarity in the discussion of changing approaches to social policy. It is surely no help when Vincent Schiraldi of the Justice Policy Institute in Washington dismisses the article as a "diatribe against Catholic Charities" and accuses the Manhattan Institute, with which Mr. Anderson is associated, of being a "right-wing think tank" interested only in securing "tax cuts for [its] wealthy contributors." Fair-minded observers across the political spectrum have praised the Manhattan Institute and its *City Journal* for being in the forefront of innovative reforms in welfare, education, criminal justice, and other areas—reforms that have helped the poor and lifted the quality of life in New York and other urban areas. The intensely defensive response by Father Fred Kammer, president of the national coordinating office of Catholic Charities, charges that Mr. Anderson "seems more inclined toward blaming the poor than recognizing the complex realities of poverty—personal, social, economic, and, at times, spiritual." As I understand Mr. Anderson, he is raising a serious challenge to all that is implicit in the "at times" in that sentence. In its founding, and in its admirable history before it fell under the control of government funding and policy direction, Catholic Charities understood that the spiritual is the central dynamic of the personal and social. In an older language that is now being rediscovered, the aim of work among the poor and disadvantaged is not so much to deliver services as to transform lives.
Fr. Kammer is right in saying that there will always be a need for delivering services, but with respect to empowering people to take charge of their own lives rather than letting them languish in dependence upon government welfare, Fr. John B. Farley of Colorado, another respondent, offers an equally important truth when he writes, "In our urge to help people, Catholics have not always been diligently accountable for what our helping has accomplished." That is the gist of Mr. Anderson's article, and it deserves to be engaged with civility of manner and clarity of argument.

■ In the February issue we ran Monsignor Earl Boyea's critique ("Another Face of the Priesthood") of Father Donald Cozzens' *The Changing Face of the Priesthood*. Fr. Benedict Groeschel of New York, a psychologist who has been teaching and counseling priests and seminarians for three decades, is equally disappointed with Fr. Cozzens. The key to priestly dysfunction, according to Cozzens, is an unresolved clerical Oedipal conflict with bishops and the pope. Fr. Groeschel writes, "Fr. Cozzens' rather orthodox Freudian point of view is not relevant at all to the present thinking on personality development. If we were to announce a Saturday seminar in New York on applications of the Oedipal theory, it would be largely attended by elderly Jewish women therapists. The men would be already dead of old age. Don't get me wrong. I enjoy elderly Jewish women therapists. In fact, it would be a lot of fun, but not very relevant." Cozzens makes the mistake, says Groeschel, of equating

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psychological maturity with spiritual growth, when, in fact, many canonized saints hardly fit contemporary definitions of what it means to be well-balanced. Fr. Groeschel writes, "While I do think the saints have spiritual maturity, often very saintly people and profoundly religious people struggle with other personality conflicts. Fr. Cozzens makes a mistake even Pope Pius XII fell into at one time. Addressing a group of Italian health professionals, Pius said that all of the saints had the highest degree of mental health and stability. I seldom disagree with popes but this is simply not true. My own patron saint was a mentally ill homeless man—St. Benedict Joseph Labre. Yet, whatever there was left of the poor soul, he gave it all to God." That's not a bad definition of sainthood, giving our battered all to God.

■ It has not escaped the attention of Richard Cohen, the *Washington Post* columnist, that there are very few Jews in prominent positions in the Bush Administration. That is in sharp contrast to the Clinton years when more than ten Jews were in cabinet or near-cabinet positions. Cohen is not complaining, and he says he hasn't heard any complaints from Jewish organizations. Why is this? he asks, and answers, "Because it appears that in certain respects the American Jewish community, a tiny minority of less than 2 percent of the population, has somehow managed to achieve majority status." We don't count Jews as a minority, just as we don't count to see how many men or white people are in prominent positions. There is much to Mr. Cohen's explanation, although one expects that the relative absence of Jews from the Bush Administration is not entirely unrelated to the fact that Jews, who voted overwhelmingly for Gore, do not produce that many high-profile Republicans.

■ In the last couple of years there have been major foul-ups at the Vatican Library and Museum in trying to get art and manuscript reproductions onto the general market. Heads have rolled. Then it was announced with much fanfare that things had been straightened out at last, and there is now an online outlet, www.1451.com (1451 being the date of the library's founding), for those in search of such items. You have heard me say before how very difficult it is to find really good Christian art. Surely the Vatican collection would meet that need. But no, it is the same embarrassment as the Vatican's earlier and muddled efforts. The new entrepreneurs with whom the Vatican has contracted seem as inhibited about anything specifically Christian as the old. Offered on the website are some very nice bronze reproductions: a horse by Antonio Canova, two angels (angels are always safe), and then animals crafted by contemporary artist Lorraine Vail, based on a fifteenth-century illuminated manuscript. The animals include rhinos, crocodiles, lizards, and horned toads. Ah, but here's an item of promising Christian significance. It's called "Mother and Child." But no, it is a sculpture of a mother elephant and her baby. This, mind you, is the Mother and Child on offer from *the Vatican.* The website carries the notice that it is "under construction." On the evidence of what has been constructed so far, the enterprise should be under thorough reconsideration.

■ The Methodists are coming! The Methodists are coming! George and Laura Bush are United Methodists, as are Dick and Lynne Cheney, chief of staff Andrew Card (his wife is a UM pastor), Secretary of Commerce Don Evans, who also served as Bush's campaign chairman, and the new head of the Republican National Committee, James Gilmore, as well as Transportation Secretary Norman Mineta. Moreover, there are sixty-five UM members in the new Congress, an increase of six. Confronting this development with an ambivalent sense of denominational pride is the United Methodist Board of Church and Society, the largest church lobby in Washington and probably the most leftist. Even with the help of Senator Hillary Clinton, also a UM member, the board's claim that it represents "the United Methodist viewpoint" on public policy has slipped from dubious to pitiable.

■ CAIR (Council on American-Islamic Relations) is pleased to announce that Paramount Pictures has made a decided change in its forthcoming movie *The Sum of All Fears,* based on a Tom Clancy novel. In the book, Arab terrorists get hold of an Israeli nuclear device and detonate it at the Super Bowl in Denver. After prolonged pressure by CAIR aimed at countering stereotypes of Arabs and Muslims, Paramount has decided that the terrorists in the movie will be neo-Nazis from Europe. While one shares CAIR's anxiety about discrimination against Muslims, the inconvenient fact is that the threat of international terrorism is posed by Muslims, emphatically claiming to act in the name of Islam, not by small bands of neo-Nazi skinheads on the fringes of European society. I have not read the Clancy novel and will probably not go to see the movie. Maybe it should not be made at all. But the hard question for CAIR, as for many other organizations opposed to various kinds of discrimination, is whether tolerance can be securely built upon denying what everyone knows to be the case.

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■ Andrew Sullivan reviews James Carroll's fashionable trashing of Christianity, *Constantine's Sword: The Church and the Jews.* To be sure, Mr. Carroll, a former priest whose 756 pages are in the service of refashioning the Catholic Church according to what some still call "the spirit of Vatican II," does not describe his book as a trashing. He writes more in sorrow than in anger, and so forth. In his review in the *New York Times Book Review* under the arrestingly original title "Christianity's Original Sin," Mr. Sullivan fulsomely identifies with Carroll's fastidious superiority to the terrible things done by other Christians. There is the usual flagellation (decidedly not self-flagellation) about Pius XII and the Holocaust. "No honest Catholic," writes Mr. Sullivan, "can look objectively at what Pius XII did and did not do without simple shame. The notion that he could be canonized is beyond this particular Catholic's comprehension." Mr. Sullivan admits to being a Catholic, but wants it known that he is an honest Catholic, and, if the machinations of dishonest Catholics result in Pius XII being canonized, let the record show that Andrew Sullivan voted against it. Like Carroll, Sullivan was pleased by John Paul II's pilgrimage to Israel, but his approval is by no means unqualified. "In calling the Church to an accounting with its past, the current pope has not been perfect." So, let the Holy Father take note, he is still on probation with Andrew Sullivan. It is the conclusion of the long lead review, however, that best reveals "this particular Catholic's comprehension" of what it means to be Catholic. Carroll, he says, was disgusted with the "grubbiness" of the holy places in Jerusalem, but then a "skeptical old Frenchman" showed him a large stone slab recently excavated from under the rubble of the city gate destroyed by the Romans, and said that Jesus would certainly have stepped on this stone on his way to Golgotha. Sullivan writes: "Carroll kneels and kisses the stone. It is a deeply Catholic moment—its physicality, its sacramental simplicity, its faith that somewhere in the past, buried under the rubble of human sin, the living Jesus can still be found and felt and loved. But it is only by excavating that rubble, by disinterring and facing that destruction, that we can regain a faith that still lives—and repent, as if repentance were sufficient, for the evil done in its name." He is right about the kiss being a Catholic kind of thing, but Mr. Sullivan, it seems, gets everything else almost exactly backwards. With respect to the holy sites, Carroll holds himself aloof from the devotion of innumerable pilgrims through the centuries. Not for him the vulgar, grubby credulity, the tears and prayers, the simple piety, of the millions of faithful whose knees have worn deep indentations in the pavement at the site of Jesus' burial in the Church of the Holy Sepulcher. No, James Carroll shares the skeptical and enlightened disposition of the academically risible Jesus Seminar, and is a man not easily taken in. Only with the certification of a fellow skeptic that this stone is the real thing does Mr. Carroll condescend to bestow a kiss. Stereotypically Protestant, moreover, is the notion that "buried under the rubble of human sin"—meaning the ambiguous reality of the riff-raff of forgiven sinners that is the Church—one discovers "the living Jesus." To pit the reality of the Church against an idea of Jesus that fits our morally elevated fancy is, one may suggest, a quintessentially un-Catholic way of being Christian. Messrs. Carroll and Sullivan are right about the need for repentance, however, and not chiefly for the sins of others.

■ "You aren't supposed to say that anymore!" So children instruct their parents, based on what they are told at school. "Homosexual" is out and "gay" is in; and "queer" is certainly out, unless you are, in which case it is permitted. Some years ago Jesse Jackson announced that blacks, formerly Negroes, wanted to be called African-Americans, and in excruciatingly correct academic circles that is mandatory, although most blacks and, surprisingly, most of the establishment media still prefer "black." It was only a few years ago that we learned to say "Native American" rather than "Indian," and now we are told by Native Americans that "Indian" is in again. Little wonder parents have a hard time staying in line with the instruction teachers give them through their children. Then there is the matter of "Gypsies." The Catholic bishops have issued a major statement on immigration, and that is the word they use. I immediately went to the accompanying footnote and found this from *Gypsies and Travelers in North America: An Annotated Bibliography* by William Lockwood and Sheila Salo: "In keeping with linguistic convention, the term *Romani* (also spelled *Romany* in the literature) is used to refer to any or all of the Romani dialects or languages. We use *Gypsies* to refer to the totality of all groups except the Irish and Scottish travelers, and where the identity of the group is unverified." So now you are prepared. When the kids tell you that we don't say "Gypsies" any more, just tell them to tell the teacher that Lockwood and Salo say it's okay. The bishops, too.

■ Among the ten-page faxes that did not get read is this one from James Dobson's admirable organization, Focus on the Family. The headline reads, "Dobson is Critical of Clinton Years." It shared the basket of oblivion with another titled "Planned Parenthood Opposes Bush on Abortion." Although it might be

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said for such press releases that they are comforting reminders of continuities in the politics of culture.

■ Jews were generally delighted when Senator Joe Lieberman was nominated as the Democratic vice presidential candidate, but were also overwhelmingly opposed to his emphasis on the importance of religion in public life. Alan Mittleman, director of "Jews in the Public Square," a major project funded by the Pew Charitable Trusts, comments on this and other findings in a project survey: "My guess is that most religious minorities (such as Buddhists, Hindus, Muslims) would not feel excluded by a bit more emphasis on faith and traditional morality. They might well find it conducive to the survival of their own cultures on these shores. Indeed, American Jews might be the only group who find Lieberman's appeals threatening, insofar as survey evidence suggests that secularists are much more accommodating of public religiosity than Jews are. We ought to think twice before we position ourselves yet again on the fringes. Lieberman's view, although it has much to commend it, is short on details. Other than offering a broad affirmation of religion's [salutary] effects on American culture, it provides little or no guidance on the hard issues, both policy and legal, of the day. Furthermore, its implicit call for a return to 'civic religion' based on 'deism' is out of touch with both the contemporary debate on civil society and with the resurgence of orthodoxy. Rather than reassert a bland, common-denominator American civic religion, we need to find a way to celebrate substantive particular religions and to discern and support the contributions of their communities to the public square. Despite these problems, Sen. Lieberman has made a vital contribution to both our national and our Jewish communal conversation. By disturbing the policy orthodoxy of the organized Jewish community, Lieberman has helped to bring us into the mainstream of the current American reassessment of religion in the public square."

■ An attorney reader in Vermont, Tom McCormick, points out that several months ago I wrongly inferred from an article in the *Atlantic Monthly* that Raul Hilberg, author of *The Destruction of European Jews*, was indifferent to the sanctity of life. In fact, Mr. McCormick reports, Mr. Hilberg has been a strong and public opponent of abortion, and has been helpful in pro-life efforts organized by Mr. McCormick. I am very pleased to stand corrected.

■ Ever alert to injustice and disturbances of the peace, the peace and justice folk of the United Methodist Church have given $10,000 to a group trying to abolish Chief Illiniwek, the mascot at sporting events at the University of Illinois. According to a church spokesperson, Chief Illiniwek "destroys the self-esteem of Native American young people because they're not mascots, they're human beings." And the St. Louis Cardinals are not birds, they're human beings. The list of nomenclatorial offenses against the sensibilities of almost everybody is readily expandable. Once again the maxim is confirmed: liberalism is the humorless party.

■ There was a minor media brouhaha over the fact that the prayers at President Bush's inauguration were specifically offered in the name of Jesus Christ. One can argue the point, but that's what you usually get when you ask Christians to pray. What about the Muslims, Jews, Hindus, and others? many columnists asked. Few of them evidenced any concern for atheists. But the *New Republic* bites the bullet: "And why was a poet not asked, who could solemnize the day nontheistically?" I have never liked the terms "theist" or "theism," but "nontheistically" is a real reach. I suppose the answer to the question is that an invocation is supposed to invoke someone, typically Someone. In the same comment, *TNR* says that Bush and his team should be more humble, and invokes Lincoln's reminder that "the Almighty has his own purposes." There they go with that theism again.

■ No, I did not go see the movie *Left Behind*. From most of what I have read about it, there is no reason to. I did look at the book on which the movie is based and it is, in terms both theological and literary, an embarrassment. But let's not get into a hassle over the set of doctrinal innovations known as premillennialist, dispensationalist, Bible prophecy so dear to some evangelical Protestants. Rod Dreher of the *New York Post* did see the movie and, whether or not one agrees with his review, he says some important things about Christianity and art. "This is about art," Dreher writes, "and the wrongheaded idea that a movie should be judged on its usefulness in spreading a particular message (pop Catholicism has its own version of *Left Behind*, usually based around alleged Marian apparitions)." If they valued art, the people who made *Left Behind* "might have turned out something watchable instead of grindingly dull, achingly sincere schlock." There are more movies to come based on the Left Behind series of books that have sold a zillion copies. The promoters say the films "will send a wake-up call to Hollywood." "Who are these people kidding?" writes Dreher. "They have yet to learn the difference between art, even explicitly Christian art, and propaganda. Good intentions are no substitute

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for craftsmanship. Having your heart in the right place does not count for anything if your head doesn't know how to tell a story, if your hand can't write good dialogue, if your tongue can't speak lines convincingly, and your eye doesn't know where to aim the camera. In his final line, Buck says, 'I don't claim to know all the answers, but for now, faith is enough.' If only that were true when it came to moviemaking also, the woebegone *Left Behind* would be a masterpiece instead of testimony to calamitous feebleness in the faith-based arts." Now one calmly awaits the letters claiming, once again, that we are espousing an elitist attitude that is dismissive of popular piety. If appreciation of excellence is elitism, I gladly plead guilty. Once again, the "three transcendentals"—the good, the true, and the beautiful—are of a piece. Bad art, like bad morals and false teaching, is spiritual poison and should be no more subject to the arbitrary whims of "de gustibus" than the other two transcendentals. In communicating the Christian message, graceless vulgarity brings into disrepute the grace we would share. Because he is a Christian, Rod Dreher cares about that. As should we all.

■ So what's going on here? This journal, widely viewed as the nation's premier forum on religion and public life (a view we are not inclined to dispute), has no extended commentary on President Bush's initiative regarding "faith-based" social services. What is going on is that it is simply too early as of this writing, and probably will be for some time, to offer a responsible critique of what is being proposed. Stephen Goldsmith and John DiIulio, the latter a cherished contributor to these pages, along with the President and Congress, are still sorting out how such an initiative might be implemented. I am marginally involved in some of that sorting out, and I expect that involvement will continue. A few preliminary things can be said. First, President Bush is to be warmly applauded for changing, almost overnight, the nation's way of thinking about government and the naked public square. Second, Barry Lynn of Americans United and the ACLU must be exceedingly grateful to the President for making so profitable their fundraising alarums about the threatening "theocracy." Third, some folks at the White House are intimidated by the Lynn-ACLU axis into making silly statements about funding religious agencies but not "funding religion." Remove the faith and these groups are no longer faith-based. The services of agencies that effectively meet public needs are to be encouraged by the government, which cannot discriminate against such agencies because they are religious and go about meeting such public needs by transforming lives rather than simply serving clients. That's the essential principle and that's the essential rhetoric, and it's obvious that some on the Bush team haven't caught on yet. Fourth, there is an urgent and necessary concern that the integrity of religious agencies not be undermined or compromised by regulations that come with discretionary grants from government. In too many places around the country, agencies such as Catholic Charities are so dependent upon government funding and subservient to government direction that they have become mere extensions of the state. Says one midwestern bishop, "Catholic Charities in my diocese is about as Catholic as the motor vehicles bureau." John DiIulio is keenly aware of these problems, and has wisely said that Bush's initiative invites a great debate and launches a period of promising experimentation. Karl Rove, the President's top man, says he and Bush have completely worn out, with incessant thumbings and markings, their copy of *To Empower People*, the little book Peter Berger and I wrote a long while back on the role of mediating institutions in public policy. The White House has since been supplied with a fresh copy. In connection with the aforementioned fourth point, I suggest that everyone involved in the faith-based initiative read again what Berger and I say there about the "minimalist proposition" and the "maximalist proposition." The minimalist proposition is that government should get out of the way and let the mediating institutions—families, churches, voluntary associations, etc.—do their thing. Getting out of the way requires many changes, including changes in tax policy, professional certifications, and the freedom to hire in accord with an institution's constituting vision. The maximalist proposition goes beyond getting out of the way and suggests that the government should use the mediating institutions in achieving public purposes. It is here that we need the most careful thought and experimentation, lest the mediating institutions be co-opted and fatally compromised by well-intended government policy. But I think the people in charge of the Bush initiative know that, which is why the nation's premier forum on religion and public life has not weighed in with extended commentary on the subject. I would not be at all surprised were there occasion to say something more once we get past the initial flurry of reactions to President Bush's exceedingly promising proposal.

■ I offered my tribute to Father Avery Dulles, now Avery Cardinal Dulles, in the January issue upon the publication of his latest book, and so, although any time is a good time to praise Avery Dulles, I will not repeat what I said there. It is most gratifying that the Pope has elevated him to the College of Cardinals. It

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is of course an honor for the person and achievement of Cardinal Dulles, but also an acknowledgment by Rome of the important role of America in the life of the universal Church, including its theological life. The elevation may also contain a message for the Society of Jesus and for other theologians in this country and elsewhere, but that is a subject for another time. As of this writing, I am preparing to be with Cardinal Dulles and my bishop, Edward Cardinal Egan, as they receive their red hats at the consistory in Rome. It will be a time, I have no doubt, of holy convivium. And, of course, our long-standing ecumenical gathering of theologians, the Dulles Colloquium, will now be the Cardinal Dulles Colloquium. It does have a nice ring to it.

■ A reader brings to my attention that the new W. S. Merwin translation of the *Purgatorio* has a very topical rendering of canto viii, 53-4:

> *giudice Nin gentil, quanto mi piacque*
> *quando ti vidi non esser tra' rei*
>
> Noble Judge Nino, what joy I had
> when I saw you were not down with the wicked!

Of course a strict constructionist, such as the excessively modest Justice Antonin (Nino) Scalia, might insist that the reference is limited to Nino Visconti of Pisa, a thirteenth-century judge in Gallura, Sardinia, but those of us with a more subtle appreciation of the "living Dante" will recognize its contemporary application.

■ "Can This Marriage Be Saved?" used to be a regular feature in the *Ladies Home Journal*. Maybe it still is. The question is on the mind of a reader in Tennessee who complains that her husband hogs FT from the minute it arrives in the mail. She asks whether we can't publish each issue in two separate parts in order to facilitate equal opportunity reading. The answer is no, the cost would be prohibitive. They'll just have to work this out between them. Despite the risk of further contributing to domestic discord, we are prepared to send a sample issue of this journal to people you think are likely subscribers. Please send names and addresses to FIRST THINGS, 156 Fifth Avenue, Suite 400, New York, New York, 10010 (or e-mail to subscriberservices@pma-inc.net). On the other hand, if they're ready to subscribe, call toll free 1-800-783-4903, or visit www.firstthings.com.

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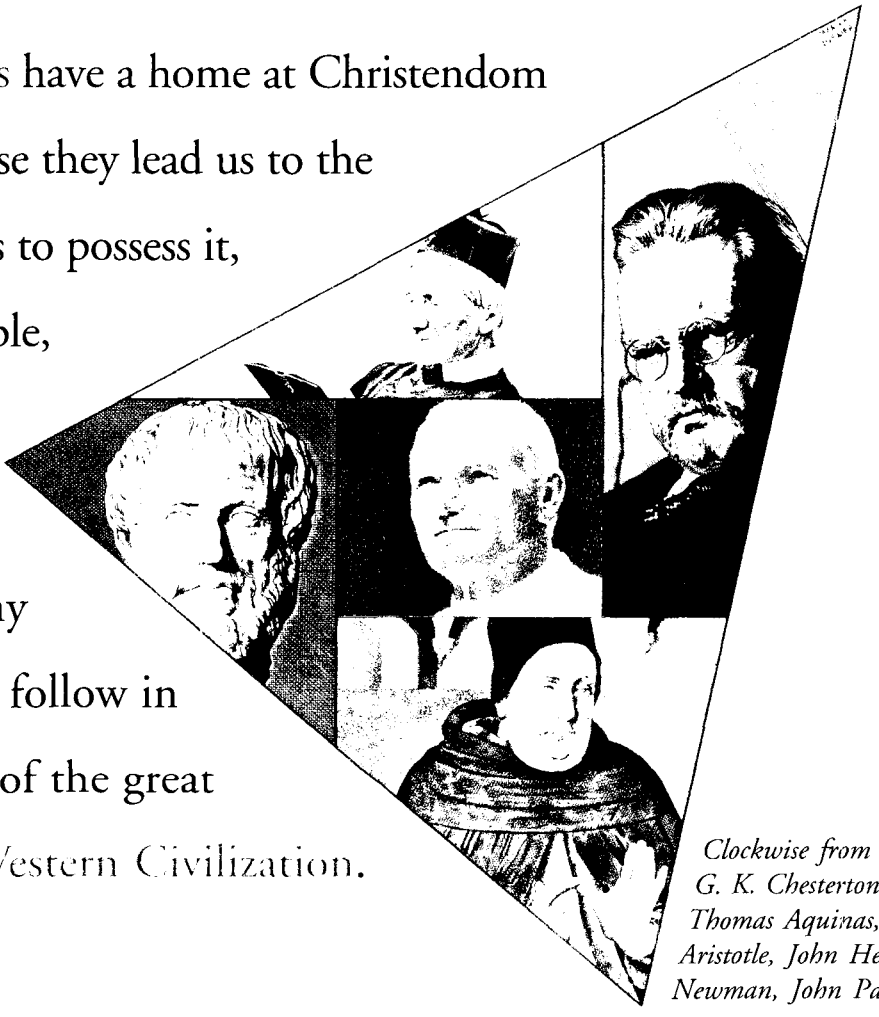

Clockwise from top right: G. K. Chesterton, Thomas Aquinas, Aristotle, John Henry Newman, John Paul II

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